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Saginaw

CHARTER
OF THE
CITY OF SAGINAW
MICHIGAN
WITH AMENDMENTS THERETO
AND THE
ACTS OF THE LEGISLATURE
RELATING TO OR AFFECTING
THE CITY OF SAGINAW

PRINTED BY AUTHORITY OF THE COUNCIL
1917



CHARTER
OF THE
CITY OF SAGINAW

MICHIGAN

WITH AMENDMENTS THERETO

AND THE

ACTS OF THE LEGISLATURE

**RELATING TO OR AFFECTING
THE CITY OF SAGINAW**

PRINTED BY AUTHORITY OF THE COUNCIL

SAGINAW
SEEMANN & PETERS, SAGINAW
1917

State of Michigan,
County of Saginaw, } ss.
City of Saginaw,

I, Herbert S. Gay, Clerk of the City of Saginaw, County and State aforesaid, do hereby certify that I have compared the following copy of Sections 1 to 55, and 133 to 362 of the Charter of the City of Saginaw with the original on file in this office, and that it is a true and correct transcript therefrom and of the whole of such original, except Sections 56 to 132 which have been rendered obsolete by the Justice Court Act, (Public Acts 1917, Number 4), passed by the Legislature of the State of Michigan and approved by the electors of the City of Saginaw, April 2, 1917.

That I have compared the following copy of the Justice Court Act (Public Acts 1917, Number 4), and of the Acts relating to the Board of Education and the Union School District with the originals on file in the office of the Secretary of State at Lansing, Michigan, and that same are true and correct transcripts therefrom and of the whole of such originals.

That same are compiled and published by virtue of Ordinance No. B-40, of the Council of the City of Saginaw, entitled, "An ordinance to provide for the compilation and publication of the Charter of the City of Saginaw, together with the Justice Court Act and the Acts relating to the Board of Education and the Union School District."

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Saginaw, Michigan, this 18th day of October, 1917.

HERBERT S. GAY,
City Clerk.

Saginaw City Com. 7. vol 6, 6-11-23. j

PREFACE

The City of Saginaw as at present constituted is a consolidation of the former cities of Saginaw and East Saginaw by Act No. 455 of the Local Acts of the Legislature of 1889. The first meeting of the Common Council of the consolidated city was held March 12, 1890.

The former City of Saginaw was never incorporated as a village, its first incorporation being as a city in 1857. Its first council meeting was held April 11th, 1857.

The former City of East Saginaw was first incorporated as a village in 1855. Its first board meeting was held May 11, 1855. It was incorporated as a city in 1859, and the first meeting of its council was held March 17, 1859. The village of South Saginaw was incorporated and had its first meeting November 20, 1866. Prior to that time it was known by its post office name, Salina. It became a part of the City of East Saginaw, March, 1873.

The present Charter was framed in pursuance of the provisions of the Home Rule Act of 1909, as amended in 1911 and 1913, by Commissioners elected to revise the Charter at an election held November 7, 1911. The Charter Commission completed its work at a meeting held August 7, 1913, and the Charter was thereupon submitted to and approved by the Governor, August 12, 1913. It was submitted to the electors and adopted at an election held November 15, 1913, at which there were cast 7598 ballots of which 4295 ballots were cast for the Charter, and 3303 ballots against.

After its adoption by the electors, two copies were filed with the Secretary of State, November 19, 1913, in pursuance of the provision of the Home Rule Act.

As presented to the electors there were included certain sections, viz. 56 to 132 inclusive, which covered the powers and jurisdiction of the Police, Justice and Recorder's Courts, and which sections were copied almost verbatim from the Charter of 1905.

Under the Home Rule Act as it then existed the Charter Commissioners were restricted in their powers to legislate on the subject of local courts by the following provision. "Section 28. In all cities now organized, which may hereafter amend or revise their charters under the provisions of this Act, all of the provisions of the present law, whether general or special, applying to any such city relating to the election, qualification, term of office, powers, jurisdiction, duties and compensations of justices of the peace and

constables therein, and the conduct of all proceedings, suits, and prosecutions before such justices of the peace and appeals therefrom, and all laws creating municipal courts and the proceedings thereof in any such city, shall remain in full force and effect."

Consequently no action taken by the electors in adopting the Charter in any way changed or could change the existing local legislation on the subject of local courts.

A change in the local courts seeming desirable, the City Attorney and a committee of local attorneys, with the approval of the Council, framed a special act known as House Bill No. 11, which was thereafter passed by the Legislature at its 1917 session, (Public Acts 1917, Number 4). This act was in accordance with its provisions submitted to and adopted by the electors of the City at an election held April 2, 1917; of the 5903 votes cast at the election 3783 were cast for the act and 2120 against. It will not become fully operative until a justice shall be elected thereunder, nevertheless, since this is bound to occur at the next general or special election held in the city, the act is printed in full and Sections 56 to 132 inclusive of the Charter which have become obsolete are omitted.

The only other changes in the Charter are the amendments of Sections 234 and 238 approved by the electors at an election held November 7, 1916.

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Charter of the City of Saginaw

The Electors of the City of Saginaw, in the State of Michigan, pursuant to the authority granted them by the Constitution and General Laws of said State, hereby revise the Charter of the City of Saginaw to read as follows:

ARTICLE I.

Incorporation, Boundaries and Powers.

Section 1. The municipal corporation known as the City of Saginaw shall be and continue to be a municipal corporation by the name of the City of Saginaw, and by that name shall be known in law. May sue and be sued, complain and be complained against, have a common seal and alter it at pleasure, may take, hold, occupy and enjoy, use and possess, purchase, lease, convey, encumber and dispose of any real, personal or mixed estate, for the use or benefit of said municipal corporation; and the inhabitants of said city, from time to time, shall be and continue to be a body corporate and politic by said name. All actions against the City of Saginaw shall be commenced in and trial had in the Circuit Court for the County of Saginaw.

Name of city.
City may sue and be sued.
Seal.
May hold property.
Actions against shall be brought in Circuit Court

Section 2. The boundaries of the said city shall be as follows, viz.: Commencing at the center of the Saginaw River on the east and west quarter line of Section Thirteen in Township Twelve, north of Range Four east, in the County of Saginaw, State of Michigan; thence westerly along the east and west quarter line of said Section Thirteen, Town Twelve north of Range Four east, to a point at the intersection of said east and west quarter line with the west line of Hermansau Street, so-called, which point is eight hundred eighty-seven feet east of the quarter post on said east and west quarter line; thence north parallel to the north and south section line between Sections Thirteen and Fourteen, in Town Twelve, north of Range Four east, thirty-three feet; thence west parallel with the east and west quarter line of Sections Thirteen and Fourteen, one thousand one hundred thirty-three feet; thence north parallel to the north and south section line between Sections Thirteen and Fourteen, two hundred ninety-seven feet; thence west parallel to the east and west quarter line of Section Fourteen, six hundred sixty feet; thence south

City boundaries.

to the east and west quarter line of Section Fourteen; thence west along the quarter line of Sections Fourteen and Fifteen to the west line of said Section Fifteen in said township; thence south on the west lines of Sections Fifteen, Twenty-Two, Twenty-Seven and Thirty-Four, in said township and along the west line of said Section Three in Township Eleven north, Range Four east, in said County of Saginaw, to the center of the Tittabawassee River; thence easterly along the center of said river, to a point intersected by the east and west quarter line of Section Two, in said Township Eleven, north of Range Four east; thence east along said quarter line to the east line of said section; thence north along the east line of said Section Two to the northeast corner thereof; thence east along the north line of Section One in said township to the southwest corner of Section Thirty-One in Township Twelve north of Range Five east, in said county; thence north along the west line of Section Thirty-One to the northwest corner thereof; thence east on the north line of said Section Thirty-One to the northeast corner thereof; thence north along the east line of Sections Thirty, Nineteen, Eighteen and Seven, in said last named township, to the center of the Saginaw River; thence southerly along the center of said Saginaw River to the place of beginning.

**Twenty
wards.**

Section 3. The territory comprising said city shall be divided into twenty wards. Wards First to Twelfth, inclusive, shall be located upon the east, and Wards Thirteenth to Twentieth, inclusive, shall be located upon the west side of the center line of Saginaw River. The particular boundaries of said wards upon the east side of the center line of Saginaw River, after this Charter takes effect, shall be as follows, viz.:

First ward.

Subdivision 1. All that part of said city east of the center line of Saginaw River, lying north of a line commencing at a point at the center of said river where crossed by the Pere Marquette Railroad bridge; thence following the center of the main railroad track upon said bridge easterly to the center line of Washington Avenue; thence south on Washington Avenue to the center line of Potter Street; thence easterly along the center line of Potter Street to the center line of Third Street; thence south on the center line of Third Street to the center line of Carroll Street; thence east on Carroll Street to the center line of Eighth Street; thence north on Eighth Street to the south line of the right of way and property of the Pere Marquette Railroad Company; thence easterly on the south line of said right of way and property of said Pere Marquette Railroad Company to the east city line, shall constitute the First Ward.

**Second
ward.**

Subdivision 2. All that part of the city lying east of the center line of Saginaw River south of the First Ward, west of the center

line of Third Street and north of the center line of Johnson Street extended to the middle of Saginaw River, shall constitute the Second Ward.

Subdivision 3. All that portion of the city east of the center line Third ward. of Saginaw River, and lying between the center lines of Johnson Street, Third Street and Janes Avenue extended to the center line of Saginaw River, shall constitute the Third Ward.

Subdivision 4. All that portion of the city south of the First Fourth Ward lying between the center lines of Third, Ninth and Eighth ward. Streets and Janes Avenue, shall constitute the Fourth Ward.

Subdivision 5. All that part of the city south of the First Ward, Fifth ward. lying between the center lines of Ninth and Eighth Streets and Janes Avenue, and the east city line, shall constitute the Fifth Ward.

Subdivision 6. All that portion of the city east of Genesee Sixth ward. Avenue, lying between the center lines of Janes Avenue and Walnut Street, shall constitute the Sixth Ward.

Subdivision 7. All that portion of the city lying west of the center line of Genesee Avenue, east of the center line of Saginaw River, Seventh ward. and between the center lines of Janes Avenue and Hoyt Avenue, extended to the center line of Saginaw River, shall constitute the Seventh Ward.

Subdivision 8. All that part of the city east of the center line Eighth ward. of Saginaw River south of the center line of Hoyt Avenue, west of the center line of Sheridan Avenue and north of a line drawn by commencing at the center of the Flint & Pere Marquette Belt Line track, where the same crosses Sheridan Avenue, and running thence west and southwesterly along the center of said belt line track to the intersection of the line with the center line of Washington Avenue; thence northerly on Washington Avenue to the center line of Court Street; thence westerly on Court Street to the center line of Saginaw River, shall constitute the Eighth Ward.

Subdivision 9. All that part of the city lying east of the center Ninth ward. line of Sheridan Avenue, south of the center line of Hoyt Avenue and west of a line commencing at the center of Hoyt Avenue at the intersection of Emily Street; thence following the center line of said Emily Street southerly to the center of the main track of the Michigan Central Railroad; thence west on said railroad line to the intersection of the center line of Bagley Street extended; thence south on the center line of Bagley Street to the center line of Holland Avenue; thence east on the center line of Holland Avenue to the intersection of the quarter line of Section Thirty; thence south on said quarter line to the city line, shall constitute the Ninth Ward.

Tenth ward. Subdivision 10. All that part of the city lying east of the Seventh Ward and Ninth Ward, and south of the Sixth Ward, shall constitute the Tenth Ward.

Eleventh ward. Subdivision 11. All that part of the city lying east of the center line of Saginaw River, south of the Eighth Ward, west of the center line of Sheridan Avenue and north of the center line of Gallagher Street, and the center line of Center Street extended to the middle of the Saginaw River, and east of a line drawn on Mackinaw Street and Washington Avenue between the intersection of Center and Gallagher Streets, shall constitute the Eleventh Ward.

Twelfth ward. Subdivision 12. All that part of the city lying east of the center line of Saginaw River and south of the Eleventh Ward, shall constitute the Twelfth Ward.

Thirteenth ward. Subdivision 13. The particular boundaries of the wards upon the west side of the center line of Saginaw River, after this Charter takes effect, shall be as follows, viz.: All that part of the city lying west of the center line of the Saginaw River, north of the center line of State Street, west of the Pere Marquette Railroad track between the eastern terminus of State Street and Davenport Avenue, north of Davenport Avenue, between said Pere Marquette Railroad track and the center line of Saginaw River, shall constitute the Thirteenth Ward.

Fourteenth ward. Subdivision 14. All that portion of the city lying north and west of the center line of Saginaw River, south of the Thirteenth Ward, east of the center line of Madison Street, north of the center line of Houghton Street extended westerly to Madison Street, and north and east of the center line of Brewster Street extended to the center line of the Saginaw River, shall constitute the Fourteenth Ward.

Fifteenth ward. Subdivision 15. All that part of the city lying north and west of the Saginaw River, east of the center line of Woodbridge Street and between the center lines of Brewster and Madison Streets extended to the center line of Saginaw River, shall constitute the Fifteenth Ward.

Sixteenth ward. Subdivision 16. All that part of the city lying north and west of Saginaw River, east of the center line of Woodbridge Street and between the center lines of Madison and Adams Streets extended to the center line of Saginaw River, shall constitute the sixteenth ward.

Seventeenth ward. Subdivision 17. All that portion of the city lying north and west of the center line of Saginaw River, east of the center line of Woodbridge Street, and between the center line of Adams and Jackson Streets extended to the center line of the Saginaw River, shall constitute the Seventeenth Ward

Subdivision 18. All that portion of the city lying within a boundary commencing at a point where the center line of Jackson Street extended crosses the center line of Saginaw River; thence northwesterly along the said extended line of Jackson Street to the center line of Woodbridge Street; thence southwesterly along the center line of Woodbridge Street to the center line of Brockway Street; thence northwesterly along the center line of Brockway Street to the west city line; thence south on said city line to the center line of Greenwich Street; thence east along the center line of Greenwich Street to the center line of Bullock Street; thence south along the center line of Bullock Street to the center line of Lee Street; thence southeasterly along the center line of Lee Street extended to a point where it intersects the south section line of section twenty-six; thence east along said section line to the center of Saginaw River; thence to the place of beginning, shall constitute the Eighteenth Ward.

Subdivision 19. All that part of the city lying south of the Eighteenth Ward and west of the center line of Saginaw River, shall constitute the Nineteenth Ward.

Subdivision 20. All that part of the city lying north of the center line of Brockway Street, west of the center line of Woodbridge Street, south and west of the center line of Brewster Street, south of the center line of Houghton Avenue extended to Madison Street, west of the center line of Madison Street, and south of the center line of State Street, shall constitute the Twentieth Ward.

Section 4. The said City of Saginaw shall have the right and power:

Subdivision 1. To provide by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain, conduct and operate libraries, reading rooms, art galleries, museums, assembly or convention halls, schools, kindergartens, parks, play grounds, gymnasiums, baths, public toilets and comfort stations, markets, market houses, abattoirs, municipal lodging houses, dispensaries, infirmaries, hospitals, charitable institutions, free employment bureaus, alms houses, jails, police stations, hose houses, houses of correction, work houses, farm schools, municipal farms, detention homes, cemeteries, crematories, morgues, garbage collection and garbage disposal and reduction works, street cleaning, sprinkling plants, works or plants for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of any public building, work, improvement or utility, and any and all buildings, establishments, institutions and places which are necessary or convenient for the transaction of public business or for promoting health, morals, educa-

tion or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit; also said city may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, alms houses and all works which involve the public health or safety.

Sick and indigent.

Subdivision 2. To provide for the care of the sick, the indigent and the helpless.

Public health.

Subdivision 3. To make and enforce all regulations, by-laws and ordinances which may be necessary and expedient for the preservation of health, and the prevention of the spread, or of the introduction into the city, of contagious, malignant, infectious or other diseases.

Public utilities.

Subdivision 4. To provide for supplying the city and its inhabitants with water, gas and electricity, or any thereof, or with other means of heat, illumination, power or refrigeration; and to acquire, by purchase, lease, condemnation or otherwise, or construct and to own, maintain, equip and operate, within or without the city, waterworks, and works or plants for the production, transmission or distribution of gas, water, electricity, heat, refrigeration or power, in any of their forms.

Surplus product.

Subdivision 5. To provide for supplying surplus water, gas or electricity, belonging to the city, or the surplus product of any public utility conducted or operated by the city, to consumers and users outside of the city limits, to an amount not to exceed twenty-five per cent. of that furnished by it within the corporate limits.

Acquirement of public utility.

Subdivision 6. To acquire, by purchase, lease, condemnation, or otherwise, or construct, and to own, maintain, equip and operate, telephone systems and telegraph systems, or other means of communication; also street railways, railroads and interurban railroads, or other means of conveyance, between points within the city limits, or from points within to points without the city, for a distance of not more than ten miles from any portion of such city limits, for the purpose of transporting passengers and freight, or either.

Water front.

Subdivision 7. To improve, maintain and control the water fronts of the city; and to provide, by purchase, lease, condemnation or otherwise, or construct, own and maintain wharves, docks, levees, bridges, and other structures and appliances for facilitating or accommodating commerce or navigation in waters within the limits of the city.

Acquirement of tunnels, etc.

Subdivision 8. To acquire, by purchase, lease, condemnation or otherwise, or to construct, and to own, maintain, equip and operate tunnels, conduits, viaducts and subways; to regulate and control the use thereof, and to fix and collect charges for such use.

Subdivision 9. To fix and collect rates or charges for the public use of and for all products of, or service by any public utility conducted or operated by the city. Public utility rates.

Subdivision 10. To establish, lay out, open, extend, widen, narrow, grade, change grade, or vacate, pave, repave or otherwise improve streets, lanes, alleys, boulevards, crossings, courts, and other highways and public places. Establishment of streets, etc.

Subdivision 11. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gift or donation. Gifts and bequests.

Subdivision 12. To sell, lease, convey, or otherwise dispose of any or all the property of the city, subject to the limitations and exceptions elsewhere in this charter prescribed. Sale of property.

Subdivision 13. To annually levy and collect taxes in a sum not to exceed two percentum of the assessed value of all real and personal property in the city. Levy of taxes.

Subdivision 14. To levy and collect, or cause to be levied and collected, assessments upon property in districts according to benefits to pay for the improvement of streets, or for the construction in any public street, alley or other public place, or in any right of way owned by the city, of sewers, drains, or for other public improvements. Special assessments

Subdivision 15. To regulate trade, occupation and amusements within its boundaries. Trades.

Subdivision 16. To license and regulate saloons and the business of selling intoxicating liquors and to enforce the laws of the State of Michigan pertaining to the same. Saloons.

Subdivision 17. To license and regulate laundries, livery, boarding or sale stables, cattle and horse corrals, slaughter houses, butcher shops, groceries, dance, concert halls or academies, public billiard or pool halls or tables, bowling and tenpin alleys, shows, play-houses, circuses, games and amusements. Laundries, etc.

Subdivision 18. To license and regulate or prohibit the construction and the use of bill boards, signs and fences. Billboards.

Subdivision 19. To suppress and prohibit prize fights, any and all forms of gambling, or fraudulent devices or practices, and all games of chance and gambling houses or places; and to authorize the confiscation and destruction of all instruments used for gambling and all articles or goods held, or kept, or offered for sale, contrary Prize fights.

to law; also to suppress and prohibit any and all obnoxious, offensive, immoral, indecent or disreputable shows, disorderly houses, practices or places of business.

Salaries. Subdivision 20. To fix the salaries of all municipal officers and employees, except those whose salaries are fixed by this charter.

Fire department. Subdivision 21. To provide and maintain a proper and efficient fire department, and to prescribe and enforce such measures, rules and regulations as may be necessary and expedient for the prevention and extinguishment of fires, and for the protection and preservation of property endangered thereby.

Floods. Subdivision 22. To protect the property of the inhabitants of the city against inundations.

Bonds. Subdivision 23. To incur, subject to the limitations and provisions in this Charter contained, indebtedness, by the issuance of bonds or notes, for any of the purposes for which the city is authorized to provide, or for carrying out any of the powers possessed by the city.

Public utility company rates. Subdivision 24. To fix and determine, from time to time, the rates or compensation to be collected by any person, firm or corporation for water, gas, electric current, refrigeration, heat, light, power, telephones, telephone service or connections, or the conveyance of passengers or freight, by means of street railway cars, hacks, cabs or other cars or vehicles for hire, or for the products of, or service by any other public utility operated or conducted within the city limits; and to prescribe the character and quality of any public utility service.

Railroads, etc., operation. Subdivision 25. To regulate the construction and operation of railroads, interurban railroads, street railways, or other means of transportation, conduits, water works, and works or plants for the production, transmission or distribution of gas, electricity, heat, refrigeration or power, and the works or plants of any public service utility.

Violation of ordinances: Punishment. Subdivision 26. To prescribe the punishment for the violation of any of the provisions of this charter or of any of the ordinances of the City of Saginaw, by fine or penalty not exceeding One Hundred Dollars, or by imprisonment not to exceed ninety days, or by both such fine or penalty and imprisonment in the discretion of the court, and in the imposition of a fine or penalty for any such violation, the court by whom such fine or penalty is imposed may in its sentence and the judgment thereon further provide that the person so convicted shall in the event of failure or neglect to pay such fine or penalty be committed to one of the penal institutions herein mentioned until such fine or penalty shall be fully paid, provided such imprisonment shall not exceed the time fixed in and by the provisions of the charter or the ordinance for the violation of which said

offender was convicted; and provided further that any person so imprisoned because of the non-payment of such fine or penalty shall be entitled to his discharge upon the payment to said court of the amount of said fine or penalty and costs of prosecution, and the provision for the payment of such costs in addition to said fine or penalty may be imposed by the court whether the provision of the charter or ordinance under which the prosecution is being or has been had provides for the adding of such costs as a part of such sentence or judgment or not. Any person sentenced to imprisonment for any such violation, or in default of the payment of the fine or penalty as hereinbefore provided, shall be committed to the city jail, branch city jail, work house, work farm, house of correction, detention home or other place provided by the city for confinement, detention or reformation of offenders, or to the county jail of Saginaw County.

Subdivision 27. To provide the places at which elections shall be held together with all else that may be necessary in connection therewith and to appoint the officers of election and fix the amount of their compensation. Elections.

Subdivision 28. Except as otherwise provided in this Charter, no franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, subway, or other public place, and no other franchise shall be granted by the city to any corporation, association or individual, except by an ordinance passed by a vote of a majority of the whole Council, nor for a longer period than 30 years, and such grant and any contract in pursuance thereof shall provide that at the option of the city, the plant property and property rights, if any, belonging to or used by the grantee, or his or its successors, and rights, privileges and interest in the streets, avenues, and other public places, shall, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any value derived from the franchise. Provided, however, that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for, and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant, together with full compliance with each, every and all of the terms of the grant; provided no forfeiture shall be declared until the grantee shall have received reasonable notice of the particular breach of the grant complained of, and reasonable time within which to comply with the terms thereof. Franchises.

**Extension
franchises.**

Subdivision 29. In all cases in which a franchise for a railroad, street railway or interurban railway, either surface, elevated or underground, shall be granted for a line which would be an extension of or would connect directly with an existing line of railroad, street railway or interurban railway, such franchise shall in no case be granted for a longer period than the unexpired term of the franchise of the said existing line of which it will be an extension, or with which it will directly connect.

**Sale of
property.**

Subdivision 30. No public utility, nor any real estate, other than cemetery lots or graves, now or hereafter owned and controlled by the City of Saginaw, shall ever be sold, conveyed, transferred, leased, or otherwise disposed of, in whole or in part, without the assent of three-fifths of the qualified voters of the said city, voting on the proposition at a general or special election at which such proposition shall be lawfully submitted. Provided that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution by the city of its public utility products or service, nor the sale of its surplus utility products as hereinbefore provided, nor the leasing for a period of one year of dock or wharf privileges.

**General
powers.**

Subdivision 31. Said City of Saginaw shall have the right to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, (whether such powers be expressly enumerated herein or not), and to do and perform any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state.

Ordinances.

Subdivision 32. The powers conferred by this article, whenever deemed necessary or expedient, shall be exercised by ordinance, except as otherwise provided in this charter.

ARTICLE II.

Officers, Employees and Salaries.

Officers.

Section 5. Provision is hereby made for the following officers of the City, viz.:

Elective officers, embracing a Mayor, four Councilmen, a City Recorder, one Justice of the Peace, twenty Constables and ten Supervisors, and such elective officers, other than Constables, shall be elected at large.

Appointive officers, embracing a City Controller, City Clerk, City Assessor, City Attorney, City Engineer, Chief of Police, a Fire Chief, a City Physician, a City Health Officer, a Deputy City

Controller, a Deputy City Clerk, a Deputy City Assessor, a Deputy City Treasurer, a Clerk of the City Courts, a Board of Review of five members, a Board of Estimates of five members, an Inspector of Elections for each Ward and voting precinct thereof, who shall be the chairman of the Board of Election Inspectors of the ward or precinct thereof for which appointed, and a Board of Registration consisting of two members for each ward and voting precinct thereof.

The Mayor, four Councilmen, City Controller, City Assessor, City Engineer, City Attorney and the five members of the Board of Review shall be ex-officio members of the Board of Supervisors of Saginaw County.

Section 6. No person shall be eligible to qualify for or continue in any elective office of the city who shall hold any other office under the city government, or any office or employment in or under the state, county or school government, except the office of notary public and except as to the representation on the board of supervisors heretofore described, and that the mayor and councilmen shall be commissioners of departments as in this charter provided and that the commissioner of finance shall be ex-officio treasurer, and the mayor a member of the Council. Nor shall any person be eligible to any elective office of the city who at the time of his election is not a citizen of the United States and a qualified elector according to the laws of the State of Michigan and the charter, nor unless he shall be, at the time of his election, at least twenty-five years of age, and shall have been for three years immediately preceding such election a citizen of the City of Saginaw.

Qualifications of elective officers.

Section 7. No officer, elective or appointive, clerk, assistant or employee of the city shall hold any office or employment in the state, county or school government, except Notary Public, and such offices as are mentioned in the preceding section. No person shall be elected or appointed to any office, position or employment, the compensation of which was increased or fixed by the Council while he was a member thereof, until after the expiration of at least one year from the date when he ceased to be a member of the Council.

Other employment: Increase in compensation

Section 8. No officer of the city, whether elective or appointive, nor any clerk, assistant or employee, shall be directly or indirectly interested in any contract with the city, or with any department, board, officer or employee thereof, nor become security for the performance of any contract or contracts made with or for the city, or upon any bonds given to the city. The City of Saginaw shall not be liable upon any contract, express or implied, made by any official in violation of this section. The violation of the provisions of this section by any such officer, clerk, assistant or employee shall be sufficient ground for removal from office.

Interest in public contracts.

**Tern of
elective
officers.**

Section 9. The terms of all elective officers, except as otherwise provided herein, shall be for four years and until their successors are elected and qualified.

Vacancy.

Section 10. If a vacancy occur in any elective office of the city, such vacancy shall be filled for the unexpired term at the next general or special municipal election, subject to the provisions of Article XXI of this Charter. Vacancy shall exist when an elective officer fails to qualify for seven days after his election, dies, resigns, is removed from office, removes from the city or ward in which elected, absents himself continuously therefrom for more than 30 days without having first obtained permission of the Council, is convicted of felony, or judicially declared to be mentally incompetent.

**Removal
from office.**

Section 11. In case of misconduct, inability or wilful neglect in the performance of the duties of his office, the mayor or any councilman may be removed from office by the Council by a vote of four members, provided that a copy of charges against such officer sought to be removed, and notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned and he shall be given an opportunity to be heard in his defense, shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if he so request. In such cases the hearing shall be public and a full and complete statement of the reasons of such removal, if he be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

**Offices and
office hours.**

Section 12. It shall be the duty of each of the elective officers of the city, except Supervisors and Constables, to maintain regular office hours at the City Hall. The Council shall, by ordinance, fix the office hours of all other Officers, Clerks, Assistants and Officers' Employees.

**Salary of
Mayor.**

Section 13. The salary of the Mayor, until the population shall have exceeded 65,000 according to the United States census, shall be Three Thousand Dollars per annum, payable as the Council shall direct. When such population of the city so exceeds 65,000 then such salary shall be Three Thousand Five Hundred Dollars per annum payable in like manner.

**Salary of
Councilmen.**

Section 14. The salary of each Councilman, until the population shall have exceeded 65,000, according to the United States census, shall be Twenty-Five Hundred Dollars per annum, payable as the Council shall direct. When such population of the city so exceeds 65,000 then such salary shall be Three Thousand Dollars, each payable in like manner.

Section 15. The following officers shall receive an annual salary payable in weekly payments: City Controller, twenty-one hundred dollars; City Clerk, eighteen hundred dollars; City Assessor, two thousand dollars; City Attorney, eighteen hundred dollars; City Engineer, twenty-five hundred dollars; Chief of Police, eighteen hundred dollars; Fire Chief, eighteen hundred dollars; City Physician, nine hundred dollars; City Health Officer, six hundred dollars; Deputy City Controller, twelve hundred dollars; Deputy City Clerk, nine hundred dollars; Deputy City Assessor, nine hundred sixty dollars; Deputy City Treasurer, twelve hundred dollars; Clerk of the City Courts, nine hundred dollars.

Salary of
appointive
officers.

Each member of the Board of Review shall receive three dollars per day for each and every day of each and every session of the Board attended by him. Each member of the Board of Estimates shall receive one dollar per day for each and every day of each and every session of the Board attended by him. Each Inspector of Elections shall receive five dollars per day for each day actually and necessarily spent by him in the discharge of the duties of his office, and each member of the Board of Registration shall receive three dollars per day for each and every day actually and necessarily spent by him in the discharge of the duties of his office. The Supervisors shall receive the same amount of compensation from the same source and in the same manner as do the Supervisors from the various Townships of Saginaw County, and the Mayor, four Councilmen, City Controller, City Assessor, City Engineer, City Attorney and the five members of the Board of Review, as ex-officio members of such Board of Supervisors, shall receive the same compensation from the same source and in the same manner as do the regular Supervisors of the City, which compensation when received by them, shall be at once turned over and paid to the City Treasurer for the use and benefit of the benefit of the City and be credited to the general fund: Provided, This shall not apply to the members of the Board of Review.

Section 16. In case of removal of any Officer, Clerk, Assistant or Employee his right to salary or compensation shall thereupon cease.

Removal of
officer,
salary to
cease.

Section 17. At the first regular meeting of the Council held under this Charter, or as soon thereafter as convenient, said Council shall appoint a City Controller, a City Clerk, a City Assessor, a City Attorney, a City Engineer, a Chief of Police, a Fire Chief, a City Physician, a City Health Officer, a Deputy Controller, a Deputy Clerk, a Deputy Assessor, a Deputy Treasurer and an Inspector of Elections for each and ward and voting precinct thereof. All of which appointees shall hold their office during the pleasure of the Council. Provided, however, that the appointment of the Chief of Police, the Fire Chief, the City Health Officer, shall be upon recommendation of

Appointment
of officers.

the Commissioner of Health and Safety. The appointment of the City Engineer upon the recommendation of the Commissioner of Public Works, and the appointment of the Deputy City Treasurer upon the recommendation of the Commissioner of Finance. And, provided further, that said Council shall from time to time upon the recommendation of the Commissioner of each department appoint such Clerks, Assistants and Employees as may be necessary for the proper conduct of the work of such departments. All of whom shall hold their positions during the pleasure of the Council.

**Appoint-
ments.**

Section 18. All other appointments shall be made, and labor shall be hired by the commissioner of the appropriate department with the consent and approval of the Council.

**Oath of
office.**

Section 19. Every officer shall, before he enters upon the duties of his office, take, subscribe and file with the City Clerk, an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Michigan, and to faithfully discharge the duties of his office, according to the best of his ability.

**Surety
bond.**

Section 20. If any Officer, Clerk, Assistant or Employee is required by law or by this charter or by ordinance to give bond, he shall give bond of a Surety Company only, and he shall not be deemed qualified for his office or employment until such bond has been duly approved by the Council, and the City Clerk shall be the custodian thereof, except as to the bond of the Clerk, which shall be approved by the Council, and the Mayor shall have the custody thereof.

Within seven days after the election or appointment of any such Officer, Clerk, Assistant or Employee has been legally made or declared, he shall deliver such bonds to the City Clerk in the penal sum and with such surety or sureties as shall be so required, conditioned that he will faithfully and impartially perform the duties of his office or employment.

No such bond shall be held to be void because of any defect in form, recital, conditions or substance, nor shall any principal or surety be discharged from liability thereon because of any such defect; but every bond intended as an official bond or an employee's bond under this section shall hold and bind the parties to it to the full extent contemplated by the law, charter or ordinance requiring the same.

Any Officer, Clerk, Assistant or Employee who shall accept any office or employment to which he may be elected or appointed, shall be held bound in the penal sum of any bond required by charter, ordinance or by law, to be given by him for the faithful and impartial performance of the duties of his office or employment whether in fact such bond be given or not.

A reasonable charge by a surety company for qualifying upon such bonds shall be paid by the city.

City to pay
cost of
surety
bonds.

Whenever in this charter specific provisions are made relating to the bond of any particular officer or person, such provisions, if differing from or conflicting with any of the provisions in this section mentioned, shall be controlling in so far and in so far only as they may differ or conflict.

Section 21. Except as in this Charter otherwise specifically provided, no Officer, Clerk, Assistant or Employee shall either directly or indirectly receive any commission, money or thing of value, or derive any profit, benefit or advantage, direct or indirect, from or by reason of any dealings with or services for the city, by himself or others, or from or by reason of any alterations, improvements, or repairs required or done by authority of the city, except this lawful compensation as such Officer, Clerk, Assistant or Employee and except his share of the public benefit.

Officers not
to receive
profit other
than salary.

No Officer, Clerk, Assistant or Employee, shall accept, directly or indirectly, from the holder of any public utility franchise in the city, any frank, free ticket, free service, or other service upon terms more favorable than those granted to the public generally. This prohibition shall not extend to nor be construed to prohibit the city from requiring from or receiving from any person or corporation owning or operating or applying for a franchise, to construct or operate any street car line within the city, free transportation for any of the Officers, Clerks, Assistants or Employees of the city while in the actual discharge of their duties, such free transportation to be furnished to the proper officers of the city for distribution to such employees; nor shall this prohibition be construed to apply or extend to telephone service or use by the city of poles, wires or conduits required from any telephone company by the terms of any franchise which has been or may hereafter be granted by the city.

Officers not
to accept
pass.

Any violation of this section shall be grounds for removal of the offender from office.

Section 22. All appointive Officers and Employees of the city shall be selected or appointed with reference to their qualifications and fitness, and for the good of the public service.

Qualifica-
tion.

Section 23. (a) All books, records and papers of every office, department, board or commission, shall be public records and city property and must be kept as such by the proper officers or employees during their continuance in office, and then delivered to their successors, who shall give duplicate receipts therefor, one of which shall be filed with the City Clerk. The wilful failure to deliver such books, records and papers shall be punished by fine not exceeding \$500.00, or imprisonment in the County Jail not exceeding ninety days or both such fine and imprisonment, in the discretion of the court.

Public
records.

Certified
copies.

(b) Certified copies or extracts from the books, records and files shall be given by the Officer, Board, Commission or Employee having the same in custody, to any person demanding the same and paying for such copies or extracts; but the records of the Police Department shall not be subject to inspection or copy without the permission of the Commissioner of Health and Safety.

Equipment
to be
property of
city.

(c) All equipments, collections, models, materials, instruments, tools and implements which are collected, maintained, used or kept by the city, or by any department, board or commission, shall be city property, and, duly turned over by the custodian thereof to his successor, or duly accounted for.

Hours of
duty.

Section 24. The Mayor and Commissioners shall devote their entire time to the duties of their offices and all other persons holding any office or employment under the city, whether elective or appointive, shall be required to devote such part of their time to the duties of their offices as shall be designated and provided by ordinance, and a failure so to do shall be ground for removal from office.

Misconduct
in office.

Section 25. For gross misconduct or malfeasance in office, the officer guilty thereof, shall be personally responsible for all damages accruing thereby, either to the city, or to any person, firm or corporation.

Salaries to
be full
compensa-
tion.

Except as in this Charter otherwise specifically provided, the salaries fixed in this Charter for elective and appointive officers shall be considered their full compensation for all duties performed by them, whether as such officers, or as commissioners of any department, or otherwise, and all moneys received by any official (other than his salary) for the performance of any duties in connection with his office, or by reason of holding such office, shall be turned over by him to the city.

ARTICLE III.

The Council.

Legislative
powers
vested in
Council.

Section 26. The legislative powers of the city shall be vested exclusively in a Council which shall consist of the Mayor and four Councilmen.

Mayor to be
president.
Vice-pres-
ident.

Section 27. The Mayor shall be President of the Council, and when present, shall preside at all meetings of the Council. The Council shall elect one of its members to be Vice-President, who, during the absence or disability of the Mayor, or while any vacancy exists in the office of the Mayor, shall possess all the powers and perform all the duties of the Mayor.

Qualification
rules and
journal.

Section 28. The Council shall be the sole judge of the qualifications and election of its members and shall establish rules for its government, keep in the English language a journal of its proceedings,

which shall be a public record, and provide for the publication of the same. Voting in the Council on all questions shall be by roll call, and the names of members voting shall be entered in the journal by ayes and nays. No business of any nature whatsoever shall be transacted except on the vote in the affirmative of at least three members of the Council, and at least four votes in the affirmative shall be required to pass ordinances fixing the salaries of Clerks and Employees. Voting.

Section 29. On the Monday following municipal election, the Council shall meet, at which time the newly elected Councilmen shall assume the duties of their office. Meetings.

The Council shall meet at such other times as it may by ordinance or resolution determine, provided, that it shall meet in legislative sessions at least weekly.

Special legislative meetings of the Council shall be called by the City Clerk upon the written request of the Mayor or any two Councilmen; said request to state the subjects to be considered at the meetings and no other subject shall be considered at such meeting. All the meetings of the Council shall be public.

Section 30. A majority of all the members of the Council shall constitute a quorum to do business, but a less number can adjourn from day to day, or until the next regular meeting, and may compel the attendance of absent members in such manner as the Council may by ordinance or resolution provide. Quorum.

The City Clerk shall be the clerk of the Council and of the Board of Estimates, and shall, with the Mayor, sign and attest all ordinances and resolutions. City Clerk.

Section 31. (a) The legislative acts of the Council shall be by ordinance, and no ordinance shall embrace more than one object which shall be expressed in its title. The enacting clause of every ordinance shall be, "Be it Ordained by the City of Saginaw." Every member, when present, must vote, and every ordinance shall require, on final passage, the affirmative vote of at least three members. Legislative acts by ordinance.

(b) No ordinance shall be passed finally on the date of its introduction, except in the case of public emergency, and then only when requested by the Mayor or two Councilmen, in writing, which request shall be filed with the City Clerk. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure. Passage of ordinance.

(c) All ordinances shall within five days after their passage be published once in the official newspaper of the city. Ordinances making tax levy or appropriations, those relating to local improvement districts, and ordinances for the immediate preservation of the public peace, health and safety, shall take effect immediately after publication. All other ordinances shall take effect at the expiration Publication.

of ten days from such publication, subject always to the provisions of Article XIX of this Charter, provided, however, that ordinances for the preservation of public peace, health and safety shall contain a statement of their urgency, and provided further that no ordinance granting a franchise shall become effective until after the expiration of thirty days from the date of its publication.

Ordinance
record.

(d) Every ordinance, after its passage, shall be recorded in a book to be called "Ordinance Record," kept for that purpose, which record of each ordinance shall be authenticated by the signature of the Mayor and attested by the City Clerk. All laws, regulations, ordinances and proceedings of the Council may be read in evidence in all courts of justice, and in all proceedings before any officer, board or body in which it shall be necessary to refer thereto; either,

First, From a copy certified by the Clerk of the City, with the seal of the City of Saginaw affixed;

Second, From the volume of ordinances printed by authority of the Council; or

Third, From the volume of the official printed proceedings of the Council, signed by the Clerk, with the seal of the City of Saginaw affixed.

Money
ordinance.

(e) No ordinance obligating the city for the payment of more than one thousand (\$1,000.00) dollars, or vacating any street, highway or alley, or any part thereof, shall be passed before the second regular legislative meeting of the Council after its introduction, nor until read in full at two regular legislative meetings of the Council.

Amending
ordinance.

(f) No ordinance or section thereof shall be revised or amended, except by ordinance adopted in the manner provided in this charter, which new ordinance shall contain the entire ordinance or section as amended; and shall repeal the ordinance or section so amended; nor shall the Council, by resolution or motion, exempt any person or corporation from the provisions or requirements of any ordinance, nor suspend any ordinance or portion thereof, except by another ordinance repealing the same, and no ordinance or section thereof shall be repealed, except by ordinance adopted in the manner provided in this charter.

Appropriations to be
by ordinance.

Section 32. All appropriations of money shall be by ordinance, and no money shall be drawn from the treasury except in pursuance of an appropriation; provided, always, that where a fund has been created to be expended for a specific purpose, the same may be paid as therein provided, by order of the Council, upon recommendation of the commissioner of the department for which the fund was created.

Erection of
of buildings
in streets
prohibited.

Section 33. The Council shall not allow or permit the erection of any house, building, booth, stand, or like structure, in any street, avenue or alley, within the limits of the city; provided, that this

section shall not apply to drinking fountains; and provided, further, that the Council may permit such temporary structures, and such temporary use of the streets as may be desirable for any civic celebration.

Section 34. The Council shall, consistent with the provisions of this charter, create any office, position or employment, that may in its opinion be necessary or expedient, and fix the salaries and duties thereof. It may at any time abolish the same, whereupon the salary attached thereto shall cease.

Council to create necessary offices.

Section 35. The Council shall let such city printing as from time to time may be necessary, to the lowest and best bidder, on such terms as shall be for the best interests of the city.

City printing to lowest bidder.

Section 36. The Council shall annually let the contract for the publication of all proceedings, ordinances, resolutions and all doings or matters required to be published, to a daily newspaper in the City of Saginaw, the owners of which newspaper shall give a bond in such sum as the Council shall determine, for the faithful performance of such contract. Such newspaper shall be designated as the official newspaper of the City of Saginaw. All slips and proceedings shall be paged and ready for binding, including three copies on extra heavy paper for official record. When the proceedings of the Council or any board at any one meeting shall exceed in length, six columns of twenty inches in length, the publisher of the paper shall be allowed to publish the amount in excess of six columns in the next succeeding issue, except when otherwise directed by the Council.

Proceedings to be published in a daily newspaper.

ARTICLE IV.

Mayor

Section 37. The Mayor shall be the chief executive officer of the City of Saginaw; shall be a member of the Council, and it shall be his duty to participate in all proceedings of the Council, and when present, vote on all questions coming before the Council.

Mayor to be chief executive officer and member of council.

Section 38. He shall vigilantly observe the official conduct of all public officers and take note of the fidelity and exactness, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration and disbursement of the public funds and property; and the books, records and official papers of all departments, boards, officers and persons in the employ or service of the city, shall at all times be open to his inspection, and examination; and a failure or refusal of any such officers, clerks, assistants, or employees to exhibit books or papers or records, so required, shall be ground for removal. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form; and any official defalcation or wilful neglect of duty or official

Mayor to observe conduct of all officers and employees.

misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Council or the prosecuting attorney of Saginaw County, in order that public interests may be protected, and the person in default be proceeded against according to law.

Mayor to enforce charter and laws.

Section 39. He shall from time to time give the council information in writing relative to the state of the City, and shall recommend such measures as he may deem beneficial to its interest. It shall be his duty to enforce this charter, the laws of the state, and the ordinances of the City. He shall have a general supervision over all the departments and public institutions of the City, and see that they are honestly, economically and lawfully conducted. He shall, with the aid of the Commissioner of Public Safety, take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purposes he is authorized and empowered to use and command the police force.

Mayor to sign all deeds, etc.

Section 40. The Mayor shall sign all deeds, contracts, bonds, and other instruments requiring the assent of the City. He shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end shall, when so directed by the Council, cause legal proceedings to be commenced and prosecuted, in the name of the City against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall sign all complaints, answers and replies in any suit in which the City is made a party.

Mayor to appoint experts.

Section 41. The Council, or Mayor, with the approval of the Council, shall have power to appoint experts to examine the affairs of any officer or department of the City whenever deemed necessary, by said Council or Mayor.

Public accountant to examine books of city.

Section 42. The Council, or Mayor, with the approval of the Council, shall employ for a stipulated compensation at the beginning of each fiscal year, a public accountant, who shall examine at least once a year the books, records and reports of the treasurer and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers, clerks, assistants, employees and departments as the Mayor or Council may direct; and make quadruple reports thereof, and present one each to the Mayor and Commissioner of Finance, and file one with the City Clerk, and one with the City Controller. Such accountant shall have unlimited privilege of investigation and examination under oath, or otherwise of any officer, clerk, assistant and employee of the City; and every such officer, clerk, assistant and employee shall give all required assistance and information to such accountant, and submit to the accountant such books and papers of his office as may be requested, and the failure or refusal so to do

shall be ground for removal of such officer or employee so refusing. The Council shall provide for the payment of the services of such accountant, by ordinance.

Section 43. The Mayor shall have and exercise such powers, prerogatives and authority as are conferred by the provisions of this charter, or as may be conferred upon him by the Council, or by the general laws of the state, not inconsistent with the general purposes and provisions of this charter.

ARTICLE V.

Executive and Administrative Departments.

Section 44. The executive and administrative powers, authority and duties of the City of Saginaw, not otherwise provided for, shall be distributed among five departments, as follows:

First—Department of Finance.

Second—Department of Health and Safety.

Third—Department of Public Works.

Fourth—Department of Light, Water and Sewers.

Fifth—Department of Parks and Cemeteries.

Section 45. The Council, at its first regular meeting after the first election of its members, held under this charter, and at the first regular meeting after the election of its members in the year 1915, and at its first regular meeting succeeding the election of its members every two years thereafter, shall designate, by majority vote, one councilman to be Commissioner of Finance, one to be Commissioner of Health and Safety, one to be Commissioner of Public Works, one to be Commissioner of Light, Water and Sewers, and one to be Commissioner of Parks and Cemeteries. In the designation of such commissioners the Mayor shall be considered as a councilman and assigned a department in like manner. Provided, however, that if the Council is unable to arrive at a choice, the Mayor shall have the authority and it shall then be his duty to make such designation, and it shall be the duty of each of said councilmen respectively to accept the appointment to, and duties of, the department so assigned to him, and his refusal so to do shall be cause and grounds for his removal from office.

Section 46. The Council may change such designations whenever it shall determine that the public service requires such change.

Each commissioner shall, on the fifteenth day of each month, submit to the Council a statement of all receipts and expenditures of his department and a summary of its doings for the preceding calendar month, and shall also make an annual report.

Section 47. The Council shall determine and assign the duties of the several departments, not inconsistent with the provisions of this charter, and not otherwise provided for herein; shall prescribe

General powers of mayor.

Designation of commissioners.

Council may change designations. Reports of commissioners.

Council to determine duties of officers and departments.

the duties of appointive officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in one or more departments, and may make such other rules and regulations as may be deemed necessary or proper for the efficient and economical conduct of the business of the City.

Each commissioner to supervise affairs of his department.

Section 48. The Commissioner for each of the departments shall have the supervision and control of all of the affairs and property belonging to such department, except as otherwise provided in this charter, or by ordinance, subject to such regulations as may be prescribed by the Council.

Letting of contracts.

Section 49. All public work authorized by the Council to be done under the supervision of the Commissioner of Public Works shall be done by contract or by day's work at the discretion of the Council: Provided, that if within the time for filing a remonstrance a majority in frontage of the property owners, within the assessment district file a petition designating the manner of making the improvement whether by day's work or by contract, then the improvement must be done as requested in said petition; and, provided further, that in no case shall the cost of any improvement authorized by the Council exceed the cost estimated by the City Engineer.

Whenever it shall become necessary for the Council or the Commissioner of any department when authorized by the Council to let any contract for any purpose which might arise under this charter, and which shall under this charter be required to be let upon competitive bids, the same shall be done in the following manner:

Notice inviting sealed proposals to be published.

The Commissioner in control of the department in which the contract shall become necessary, shall cause notice inviting sealed proposals therefor to be posted conspicuously in the office of such Commissioner and published in the official newspaper for not less than one day, and said advertisement and notice shall invite sealed proposals to be delivered to the City Clerk up to a day certain upon which the Council shall meet in regular legislative session and up to the time such Council, in such session, declare that the bids be received and opened, and shall contain a general description of the work to be done or the materials to be furnished, time when the work is to be commenced and when to be completed, and the amount of the bond necessary for the faithful performance of the contract, and shall refer to plans and specifications or other detailed information pertaining to the contract, which shall be on file in the office of the Commissioner of the appropriate department, and a duplicate thereof in the office of the City Clerk, and said notice and advertisement shall contain the further statement that the Council reserves the right to reject any and all bids.

Section 50. All proposals shall be made upon printed forms prepared by the proper Commissioner and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder, that his bid is genuine and not sham or collusive, or made in the interests or on behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought, by collusion, to secure to himself an advantage over other bidders. Any bid made without such affidavit, or in violation thereof, shall be absolutely void, and also any contract let thereunder.

If at any time discovery shall be made that a contract has been let to a bidder who has taken a false oath, or who, after the taking of the oath herein provided for, shall have directly or indirectly done, or attempted to do, anything to evade or stifle fair and honest competition in the bidding for such contract, the contract so awarded may be cancelled, and no recovery shall be had thereon, and the Council shall at once proceed as before to award a new contract to the next lowest and best bidder, or may readvertise for bids. All proposals offered shall be accompanied by cash or a check certified by a responsible bank, payable to the order of the Treasurer, for such amount as the Council shall determine, and no proposal shall be considered unless accompanied by such check or cash.

No person, corporation or firm shall be allowed to make, file or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, corporation or firm is interested, all such bids shall be rejected.

On the day and before the expiration of the time specified in said notice inviting sealed proposals, all bids shall be delivered to the City Clerk by mail or by the bidder or his agent. No bid not so delivered shall be considered. All bids forwarded by mail shall be enclosed in a sealed envelope, which shall have indorsed thereon by the bidder the word "bid," the subject matter of the contract upon which the same is made and the time when the same is to be opened as designated in the advertisement, and nothing else shall be written thereon; such envelope so sealed shall itself be enclosed in an envelope also sealed and properly addressed to the City Clerk. Each bid as it shall be received shall be numbered and marked "filed" by him and authenticated by his signature. At the expiration of the time stated in the advertisement within which bids shall be received, the Clerk shall in such legislative session immediately following, open and read the same, and an abstract of each bid shall be recorded in the minutes of such meeting of the Council.

Contract to be awarded to lowest and best bidder.

The Council shall thereupon refer such bids to the Commissioner of the appropriate department, who shall compare the same with the record made by the Clerk and report his recommendation back to the Council, not later than the second following legislative meeting, unless further time be granted by said Council. The Council shall thereupon or at such other time as it may deem best, award the contract to the lowest and best bidder. The Council may reject any and all bids, and may reject the bid of any party who has been delinquent or unfaithful in any former contract with the City.

Council may retain deposits until contract is signed.

The Council may retain all bids and deposits until the contract awarded is signed, and if all bids are rejected, the Council shall return all the deposits to the proper parties and again invite sealed proposals as in the first instance. The deposit accompanying the accepted bid shall be held by the City Clerk until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said deposit shall be returned to said bidder. If said bidder fails or refuses to enter into the contract for said work, as hereinafter provided, then the deposit accompanying the bid shall be forfeited to the City and shall be paid into the general fund, and the Council may award to the next lowest and best bidder or re-advertise in its discretion.

Deposit forfeited.

Contracts drawn under supervision of City Attorney.

Section 51. All contracts shall be drawn under the supervision of the City Attorney and shall have attached thereto detailed specifications and drawings, if any, of the work to be done, which shall be referred to and made a part of the contract, and shall describe the quality of the articles or supplies to be furnished, or the material to be used, or the labor to be performed, and shall further contain a description of the manner of carrying out the purpose for which the contract was made. Every contract let by the Council shall be signed by the Mayor and countersigned by the City Clerk. All contracts shall be executed in quadruplicate, one of which with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Commissioner of the department having charge of the work to be done, one with the Controller, one with the City Clerk and the fourth with said specifications and drawings, shall be delivered to the contractor.

Quadruplicate copies.

Contractor's bond.

Section 52. At the same time, with the execution of said contract, the contractor shall execute a bond to the City of Saginaw, with a surety company as surety, conditioned that such contractor shall faithfully perform all of the provisions of said contract, and holding said City of Saginaw harmless from all losses or damage caused to any person or property by reason of any carelessness or negligence in the doing or making of said improvement, and from all expense of inspection, engineering and otherwise caused by delay in the completion of said improvement, and further conditioned to pay all laborers, mechanics, sub-contractors and material men, and

all persons who shall supply such contractor with provisions and supplies for the carrying on of such work, and all just debts, dues and demands incurred in the performance of such work; which bond shall be approved by the Council. Such bond shall be in an amount fixed by the Council, but in no event shall the amount be less than twenty-five per cent. of the amount of such contract.

Section 53. The contract for work shall specify the time within which the work shall be commenced and completed as was specified in the notice inviting proposals therefor. In case of failure on the part of the contractor to complete his contract within the time fixed, or within such extension of time as may have been granted thereon by the Council prior to the time fixed for completion of the work in the contract, his contract shall be void and the Council shall not pay or allow him any compensation for work done by him under said contract. Provided, however, that no extension of time shall be given on any contract covered by a bond unless the contractor shall first procure the written consent therefor from his surety or sureties, which consent shall be executed in as full and complete a manner as the bond. Provided, further, that no consent from sureties shall be required where the same is already contained in the original bond. Provided, further, that no extension of time shall be given unless the contractor agrees to pay the City for all extra cost of inspection and superintendence caused by such extension of time.

Contract to specify time of commencement and completion of work.

Section 54. If the contractor does not complete his contract within the time limited therein, or the extended time, if any, the Council may re-let the unfinished portion of said work, after pursuing the formalities hereinbefore prescribed for the letting of the whole, or make the necessary provisions for and complete such work with labor employed by the City, and in either event the contractor and his surety shall be liable to the City for the amount of the whole cost of accomplishing the object contemplated by the contract in excess, if any, of the contract price, together with such other elements of damage as may have been sustained by the City by reason of said contractor's failure to complete and fulfil his contract.

Failure of contractor to complete work.

Section 55. The work in this Article provided for must be done under the direction and to the satisfaction of the proper Commissioner, and all materials and supplies furnished must be in accordance with the specifications and be to his satisfaction. When any contract shall have been completed the Council upon the recommendation of the proper Commissioner may accept the same and deliver to the contractor a certificate to that effect.

Commissioner of proper department to supervise work.

No contract for the expenditure by the City of a sum exceeding \$250.00 for any purpose whatsoever, shall be entered into unless the same shall be let upon competitive bids in the manner herein described.

Contracts in excess of \$250.00 to be let on competitive bids.

ARTICLE XI.

Department of Finance.

Commissioner of Finance.

Section 133. The Commissioner of Finance shall have the direct supervision of all the revenues of the City, except as otherwise provided in this charter. He shall be ex-officio Treasurer of the City.

Treasurer's bond.

Section 134. Before entering upon his duties as Treasurer, he shall execute to the City a bond with a surety company thereon as surety, in an amount to be fixed by the Council, conditioned that he will well and truly account for all money and other property received by him as such Treasurer and will faithfully discharge his duties as Treasurer, which bond shall be approved by the Council and filed with the City Clerk, and such bond shall be so worded and drawn as to, and shall be construed to render such Treasurer and such surety liable for all money and property coming to such Treasurer as Treasurer, notwithstanding such money or property or part thereof may have been deposited with a bank or banks designated by the Council, nor shall they be released from liability because such bank or banks may have given said City security in the manner herein mentioned, such security being intended as an additional protection to said City.

Council to appoint deputy City Treasurer.

Section 135. The Council, upon recommendation of the Commissioner of Finance, shall appoint a Deputy City Treasurer and such Clerks and Employees as may from time to time be provided for by ordinance. Such Commissioner may take from such Clerks and Employees bonds with sureties to be approved by him; provided, that the bond of the Deputy City Treasurer shall in no event be less in amount than that of the Treasurer. Such Clerks and Employees, shall receive such compensation as the Council shall by ordinance prescribe.

Revenue of city to be under control of Council.

Section 136. All revenue accruing to or belonging to the City of Saginaw shall be under the control of the Council and shall be paid out when authorized by the charter, or by ordinance, by orders drawn by the Clerk, on the Treasurer, and countersigned by the City Controller. No warrant or order for the payment of money shall be drawn against any of the funds of the City of Saginaw, until there shall be money sufficient to the credit of such fund to pay the same, together with orders against said fund then outstanding: Provided, That the City may, for the purpose of paying current running expenses of any fiscal year, provide by ordinance that orders may be drawn in payment thereof as the same may accrue, to an amount not exceeding eighty per centum of the tax levy for that year.

Warrants not to be drawn on exhausted funds.

Section 137. The Commissioner of Finance, as Treasurer, shall receive all moneys due and belonging to the City and keep an accurate and detailed account of the same in such manner as at all times to show the exact financial condition of the City. Not later than the 15th day of each month he shall report to the Council a summary of all moneys received and paid out by him during the preceding calendar month. Such statement shall show what funds were credited with moneys so received and from what funds moneys were so paid, and the amounts thus credited and paid; and further show the exact amount of money in each fund of the city on the last day of the preceding month. He shall also in such report show the amount of funds under his control at the time of making such report, and where the same are placed or deposited. He shall give to the Controller a statement of weekly receipts received by him.

Commissioner of Finance to keep accounts and make reports.

Section 138. The Council shall have the power to direct the deposit by such Treasurer of all moneys, bonds, papers and evidences of value in any bank or banks and to contract with any such bank or banks for the safe-keeping of all public moneys, and for the receipt of interest at a rate not exceeding 7 per cent., upon such moneys of the corporation, deposited with such bank or banks, and to be drawn on account current from such bank or banks by the Treasurer of the City.

Council may direct deposit of City moneys.

Section 139. The Treasurer shall not loan any of the funds of the City to any person or otherwise dispose of the same, except in accordance with law. He shall deposit moneys received by him, by virtue of his office, in one or more banks in the City of Saginaw designated by the Council, and it shall be the duty of the Council to direct and designate the maximum amount that may by him be deposited in such bank.

Treasurer may not loan City money.

Provided, that every such bank in which he deposits any of such moneys, shall be first required to execute to the City a bond with some surety, guarantee, indemnity or insurance company, organized and empowered by law to give such bond and authorized by law to do business in the State of Michigan, as surety, in a penal sum equal to the maximum amount authorized by the Council to be deposited in any such bank, conditioned to save the City harmless from loss by reason of such deposit, during all the time that such money, or any part thereof, shall so remain on deposit in such bank, and such bond shall be approved by the Council and filed and deposited with the City Treasurer; and

City depository to furnish bond.

Provided, further, that such city bank or banks designated as depository may, in lieu of the surety bond above referred to, deposit with the Treasurer good and sufficient municipal, school district, county or state bonds, or warrants, United States bonds, first mort-

Depository may deposit securities in lieu of security bond.

gage railroad bonds, local improvement bonds or warrants, or public utility bonds or warrants, issued by or under the authority of any municipality of the State for water, power, or light plants or maintenance thereof, upon which principal or interest is not in default at the time of such deposit, the aggregate market value of which shall not be less than the amount required as security for said deposit, which securities before they shall be accepted in lieu of such surety bond herein referred to shall be approved by the Council.

Treasurer to keep accounts with each fund.

Section 140. Immediately after the annual tax levy, the Treasurer shall open and keep separate and distinct accounts with each special fund made necessary by law, and whenever any taxes shall be collected and paid into the treasury he shall credit each fund with its proportionate amount of such tax, and the same shall remain so credited and shall be paid out only in payment of orders drawn against said fund.

Funds shall not be diverted.

All funds raised by a vote of the people or by special taxation, or any other manner for a special purpose, shall be used for that purpose, and none other. No fund shall be diverted from the purpose for which it was originally assessed or collected or voted by the people unless authorized by at least a majority vote of the people, expressed at either a special or general election. The Treasurer shall keep such accounts and make such other reports and perform such other duties incident to his office as may be prescribed in this charter or by ordinance of the City.

Term of Commissioner of Finance restricted to four years.

Section 141. The same Councilman shall not be eligible to the office of Commissioner of Finance for a longer period at any one time than four consecutive years, and until his successor is appointed and qualifies, nor eligible to re-appointment until after the expiration of one year after having served for such period above provided.

ARTICLE XII.

Department of Health and Safety.

Commissioner of Health and Safety.

Appointments by.

Section 142. The Commissioner of Health and Safety shall have general supervision of the Police Department, Fire Department, Department of Health and the Poor Department, and the Council shall by ordinance provide for the maintenance of such departments. Upon the recommendation of the Commissioner of Health and Safety the Council shall appoint a Chief of the Police Department, a Chief of the Fire Department, a Health Officer, a Market and Food Inspector, a Plumbing Inspector, a Building Inspector and a City Electrician. The Commissioner of Health and Safety shall have supervision and control of such officers. The Council, upon the recommendation of such Commissioner, shall appoint such other inspectors,

clerks and employees as may be necessary for the efficient administration of this department. The Commissioner of Health and Safety shall have supervision and control of all such officers and employees, and he shall possess such powers and authority and perform such duties as are now or may hereafter be provided for by ordinance and by the laws of this State in relation to the care of the poor. He shall, on or before the 15th day of each month, report to the Council a statement of the workings and receipts and disbursements for the preceding calendar month of each of his sub-departments separately, and annually shall make a detailed report as to the condition of each of such sub-departments with his recommendation as to their needs, and shall, as often as required by the Council, make other additional or supplemental statements and reports in relation to the sub-departments under his control. Reports.

Section 143. Said Commissioner shall have general supervision over the sanitary condition of the City, and shall have power to compel owners of property to keep the same free from anything filthy, obnoxious or dangerous to health. He, or any authorized inspector of his department shall inspect, when called upon by any person, or when in his or their opinion it seems necessary, all articles of food and drink intended or appropriate for human consumption, and shall have the right to enter for the purpose of making such examination and inspection, any place or building where any such articles are had, stored or kept for sale; and no person shall be permitted to retain, sell or dispose of anything pronounced by said Commissioner as unfit to be used for food or drink, and all such articles or things shall be seized and destroyed by said Commissioner in such manner, after such notice, hearing and restrictions as shall be provided by ordinance. Sanitary inspections.

Section 144. The Health Officer shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years. He shall have been a resident of this City for at least three years next preceding his appointment, and shall be licensed to practice medicine in this State, in accordance with general law. Such Health Officer shall devote as much time as is necessary to the duties of his office. The Plumbing Inspector shall be a plumber of five years' practical experience and regularly licensed under the laws of this State. Health officers. Plumbing Inspector

Section 145. It shall be the duty of the Commissioner of Health and Safety and all regularly appointed employees of the Department of Health, and of all Police Officers or Patrolmen, to enforce all the foregoing provisions of this article and all ordinances and general laws appertaining to the foregoing subjects of this article. Officers to enforce charter and ordinances.

Contagious
disease
reports.

Section 146. Every physician in the City shall promptly report in writing to the Department of Health and Safety, every patient whom he or she shall have sick of an infectious, contagious or communicable disease dangerous to public health; and every householder, upon reasonable notice from said department, that an occupant of his or her house is suffering from any infectious, contagious or communicable disease, dangerous to the public health, shall forthwith adopt such preventative means and regulations as said department shall prescribe. Every person who shall fail to report such case of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said department, shall be subject to such fines and penalties as the Council may by ordinance prescribe.

Chief of
Police.

Service of
Process.

Section 147. The Chief of Police shall be the head of the Police Department of the City and all Police Officers and Policemen shall be under his immediate direction and command. Such Chief of Police and all Police Officers and Policemen shall possess all the common and statutory powers of Constables and Sheriffs (except for the service of civil process), and of conveying prisoners under sentence to any place in the City of Saginaw. They shall have the power to serve any subpoena, warrant, order, notice, paper or process issued or directed by any Justice of the Peace, Judge, Court or Officer in criminal cases of the State of Michigan, in the execution of the laws of this State, for the prevention of crime and punishment of offenders, or the police laws and regulations of the City or State, in any proceeding collateral to or connected with the execution of such general laws, police laws, ordinances and regulations in any part of this State, without backing or endorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes whatever, issued out of the Recorder's Court or by the Police Court, in all criminal cases, and in all civil cases wherein said City is a party to any proceedings, except as herein otherwise provided, and shall be detailed by the proper officer to attend, instead of the Sheriff, Deputy Sheriff or Constables, the Recorder's Court and the Police Court, whenever said court is engaged in the trial of criminal cases, or civil cases, wherein said City is a party. The Chief of Police shall keep a correct record of all arrests made by him or any Policeman, showing the time when and the cause of complaint upon which such arrest was made; and shall submit in writing, at least once each month, a full report to the Commissioner of Health and Safety. He shall perform such other duties and have such other powers, as shall be provided by ordinance.

Section 148. Upon the recommendation of the Commissioner of Health and Safety, the Council shall appoint such Captains, Lieutenants, Sergeants and other sub-officers as the proper organization of the police force may require. Council to appoint Captains, etc.

Section 149. The Council shall from time to time appoint such number of Policemen as may be provided for by ordinance. Council to appoint Policemen.

Section 150. Upon the recommendation of the Commissioner of Health and Safety, the Council shall appoint a Police Matron, who shall be under the jurisdiction of the Commissioner of Health and Safety. She shall have all of the rights and powers of police officers of the City, whenever females are concerned, together with such other powers, and shall perform such duties as may now or hereafter be provided by the general laws of the State, this charter and the ordinances of said City. Police matron.

Section 151. Upon the recommendation of the Commissioner of Health and Safety, the Council shall appoint such Assistant Chiefs, Captains and other sub-officers as the proper organization of the Fire Department may require. Council to appoint assistant Fire Chiefs, etc.

Section 152. Upon the recommendation of the Commissioner of Health and Safety, the Council shall appoint such number of Firemen as may from time to time be provided for by ordinance. Council to appoint Firemen.

Section 153. The Chief of the Fire Department shall have immediate control and management of all property, pertaining to the Fire Department, and all members and employees of the Fire Department shall be under his immediate control and command. He shall submit in writing, at least once a month, to the Commissioner of Health and Safety, a statement of the number of men employed, their compensation, condition of his department and such other things as may be necessary to apprise him of the condition of the Fire Department. He shall have such other powers and perform such other duties as may now or hereafter be provided by the general laws of this State or the ordinances of the City. Duties of Chief of Fire Department.

Section 154. Any person who has been a Fireman or a Policeman and a member of the Fire or Police Department of the City of Saginaw for a period of twenty-five years, may, by written application, be placed on the list of Retired Firemen and Policemen of this City. In computing the period of service of any fireman or policeman, the length of time served by him as a member of the Fire or Police Department of either the City of Saginaw or East Saginaw as they formerly existed before consolidation as the City of Saginaw, shall be added to the time he has served in the City of Saginaw as now constituted. Retirement of Firemen and Policemen. Twenty-five years.

Retirement
of Firemen
and Police-
men
Ten years.

Section 155. Any person who is a Fireman or Policeman and has been a member of the Fire or Police Department of the City of Saginaw, Michigan, for a period of ten years, who may hereafter become incapacitated, while in the actual performance of his official duty, through any cause other than by accident, shall be placed on the list of Retired Fireman and Policemen of this City by resolution of the Council of the City of Saginaw, whenever there may be furnished to said Council sufficient proof of such incapacity. The said Council to prescribe the form and character and sufficiency of the proof required.

Amount of
pension.

Section 156. All Firemen and Policemen who may be placed on the retired list and remain thereon, shall receive a sum equal to one-half of their annual salary paid to them at the time of their retirement, not to exceed six hundred dollars per year, to be paid to them, in equal weekly payments during the remainder of their lives.

Discipline of
retired Fire-
men and
Policemen.

Section 157. All persons on such retired list shall be subject to the orders and discipline of the department of this City from which they were retired and shall perform such duties as may be required of them that they are able to perform, and should they refuse or unreasonably neglect to perform such duties, they may by the Council be dismissed from the service of said department and thereupon their salary as retired shall cease, provided that they shall receive notice and copies of all charges preferred against them and given an opportunity to be heard thereon.

Re-examina-
tion.

Section 158. Said Council may at any time require any Fireman or Policeman on the retired list, because of disability or incapacity, to be re-examined by the City Physician and two other competent physicians to be selected by said Council, and if on such re-examination he is reported by such physicians capable of performing regular duty, he shall be required to return to regular duty and full pay.

Estimates
for pension
budget.

Section 159. The Commissioner of Health and Safety shall, not later than the last Monday in January of each year, submit to the Council an estimate of the amount of money necessary to be raised during the current year to defray during the next fiscal year the expense of maintaining the Firemen and Policemen on the retired list and the pensioners of said Fire and Police Department and such estimate so made by him and submitted to the Council shall thereafter be dealt with in the same manner as is hereinafter provided in the case of all other estimates made by the various departments of the City, and the amount finally decided upon shall be placed in the tax roll and be raised as other money of the City is assessed, and collected, which money shall be paid by the City Treasurer out of the fund so created, to those entitled thereto by orders drawn by the City Clerk

on the City Treasurer and countersigned by the City Controller. Should such fund be insufficient in any year to pay amount required, the Council shall provide such deficiency by such other means as may be necessary.

Section 160. There shall be kept in the office of the City Controller a book to be known as the list of retired firemen and policemen and fire and police department pensioners. This book shall contain a full and complete history and record of the action of the Council in retiring and reinstating any person and the reason thereof, the date, name and age of all such persons joining the fire and police department, the date when and how any such person was killed or received the injury from which death resulted, the name and age of the widow, child or children, dependent parent or parents of said persons so killed or who died as the result of said injury and such other records as said Controller shall deem proper to make, which book shall be subject to public inspection at all reasonable times.

List of
retired
Firemen and
Policemen.

Section 161. When the widow, children or dependent parent, or either of them shall be entitled to a pension, as in this charter provided, such widow, children or dependent parent shall make application for a pension to the said Council, on a form to be provided by said Controller, and shall furnish such proof with reference to marriage, birth and age of children, and dependency of parents, and other essential particulars, as said Council, aforesaid, shall determine or require. All applications and proof shall be retained in the office of the Controller of said City. When applications for pensions are allowed, due notice of such action, with the names of all pensioners, shall be given to the Controller, who shall cause such record to be made as in this charter required.

Application
by widow,
etc., for
pension.

Section 162. In case of incapacity of any fireman or policeman at any time from injury or accident received by him in the performance of his official duty, or in case of death resulting from injury received by him in the performance of his official duty, there shall be paid to him or his widow, children or dependent parents, as the case may be, the sum provided for in Section 156 of this Charter, provided, however, that this sum or sums shall not be paid until after said person or his widow, children or dependent parents shall have ceased to receive compensation under and by virtue of the "Michigan Workingman's Compensation and Employers' Liability Acts," approved March 20th, 1912, the provision of this charter being supplemental to said act; and provided, further, that in case said "Workingman's Compensation and Employers' Liability Act" shall be held unconstitutional or void for any reason by the Supreme Court of the State of Michigan, or the Supreme Court of the United States, then the provisions of this

Incapacity
of Firemen
or Policemen
through
accident.

charter shall obtain as to firemen and policemen injured, or killed while in the performance of their official duty, the same as though incapacitated from any other cause.

ARTICLE XIII.

Department of Public Works.

Commissioner of Public Works.

Section 163. The Commissioner of the Department of Public Works shall be known as the Commissioner of Public Works. He shall have the supervision and control of all streets, public works, public places, buildings and improvements, except as otherwise provided in this charter or by ordinance of the City.

Appointments by.

Section 164. Upon the recommendation of the Commissioner of Public Works, the Council shall appoint a Chief Clerk to the Commissioner of Public Works, a City Engineer, and all such other Clerks, Assistants and Employees for said department as may, in the opinion of the Council, be or become necessary to the efficient administration of said department.

Chief Clerk.

Section 165. The Chief Clerk of the Commissioner shall keep a record of all the transactions of the department. He shall cause the publication of all notices authorized by this article or by ordinance to be published in connection with any of the affairs or business of the department. He shall perform such other duties as the Commissioner of said department shall prescribe.

Duties of the Commissioner.

Section 166. Subject to the direction and control of the Council and laws of the State of Michigan and ordinances of the City, the Commissioner of Public Works shall have charge and superintend such other public works of the City as may by ordinance or resolution be assigned to this department.

Commissioner to have possession of maps, etc., of City.

Section 167. The Commissioner of Public Works shall have possession of and keep all maps, surveys, and field notes relative to surveys and plats of the City and of streets and public places thereof, and all plans, specifications, contracts, books, documents, papers, machinery, tools and appliances belonging to the City and pertaining to matters, by this charter or by ordinance of the Council, assigned to said Department of Public Works, and all other property belonging to the City not otherwise provided for in this charter. On or before the 15th of each month he shall report to the Council a summary of the progress and condition of the workings of this department during the preceding calendar month, and in addition thereto shall furnish and file from time to time such particular data and information regarding his department, as may be required by the Council.

Reports.

Section 168. The Commissioner of Public Works shall also have special charge and control, subject to such ordinances as the Council may adopt, of all improvements of the harbor and water front, and control of all streets, highways, roads, bridges, wharves and public places belonging or dedicated to public use, and of the improvement and the repair thereof, except as otherwise provided in this charter; of the cleaning and sprinkling of streets and of repairs upon streets; of the construction and repair of public buildings and the making of public improvements for the City under his authority, and of the repair of such improvements. He shall have exclusive authority to prescribe rules and regulations in conformity with the ordinances of the City, for the construction of railroad tracks in the streets and the erection of telephone and telegraph poles and wires, whenever the right to lay such tracks or to erect such poles and wires has been properly acquired. He shall have full power to regulate and control, subject to the ordinances of the City and the powers delegated by this charter and the Council to other Commissioners having peculiar and special charge of any public places or public works of the manner of using the streets, sidewalks, wharves and public places to prevent and remove obstructions therefrom, and to cause the prompt repair of streets, sidewalks and public places when the same may be taken up and altered. He is authorized to collect, by suit or otherwise, in the name of the City, the expense of such repairs from the person or persons by whom such sidewalk or street was injured or torn up.

Commissioner to have charge of improvements of harbor and control of streets.

Commissioner to prescribe rules for construction of tracks.

Commissioner to collect damages for injuries to streets and sidewalks.

ARTICLE XIV.

Department of Light, Water and Sewers.

Section 169. The Department of Light, Water and Sewers shall embrace all matters pertaining to the water supply of the City, the sewerage, the lighting of the City, and any light, water or power plant which is now owned or may be hereafter acquired and the Commissioner of Light, Water and Sewers, subject to the direction of the Council, shall have general supervision of such department. He shall, with the approval of the Council, advertise for proposals, and the Council may contract when necessary for the lighting by gas, electric or other lights, of the streets, public buildings, parks and spaces of the City.

Commissioner of Light, Water and Sewers.

Section 170. Upon recommendation of the Commissioner of Light, Water and Sewers, the Council shall appoint such Officials, Assistants, Clerks and skilled employees as may be necessary, and he may secure the services of Electrical Engineers, Special Counsel, and other experts, subject to the approval of the Council, and for such compensation as the Council may fix.

Appointments.

Commis-
sioner to
administer
sub-depart-
ments
separately.

Section 171. The Commissioner of Light, Water and Sewers shall, so far as is practicable, administer each sub-department separately. To that end all contracts, records and muniments of title pertaining to each of said sub-departments, shall be assembled and carefully preserved as separate records. Accounts shall be kept separately of assets and liabilities, receipts and disbursements, of each sub-department distinct from the other.

Reports.

On or before the 15th day of each month he shall report to the Council a statement of the receipts and disbursements for the preceding calendar month, of the sub-departments separately, and annually shall make a detailed report as to the condition of such sub-departments, with his recommendation as to their needs. He shall perform such other duties from time to time in connection with the department and make such other reports and furnish such information to the Council as may by it be required, or is by this Charter provided for.

Rates for
use of water,
etc., to be
fixed by
ordinance.

Section 172. The Commissioner shall, with the approval of the Council, expressed by ordinance, fix rates and establish regulations for the use of light, power and water furnished by the City to consumers, and regulations for the orderly administration of the department. The Council shall, by ordinance, impose fines and penalties for the violation of any of said regulations and such Council shall, from time to time, cause to be assessed the water, light or power rate to be paid by the owner or occupant of each lot, house or building having or using such water, light or power upon such basis as the Council shall deem equitable, and such rates shall become a continuing lien until paid upon such house or other building, and upon the lot or lots upon which such house or building is situated.

Rates to be
a lien.

Deficiency in
revenue met
by taxation.

Section 173. If any sum of money is needed over and above the revenue derived from any one or more of said sub-departments to meet the payment of interest or principal of bonds issued or current expenses of said sub-department, the Council, with the approval of the Board of Estimates, may raise such sum as may be necessary for such purposes by taxation.

Commis-
sioner to
have super-
intendence
of all sewers

Section 174. The Commissioner of Light, Water and Sewers, shall have superintendence and management of all sewers, drains or pools now constructed or to be constructed, and shall enforce all rules and regulations relative to the construction, use and preservation of sewers, drains and pools, and all private drains entering the same. If any person shall, in constructing any private drain, or in making any connections with a sewer, drain or pool, neglect or refuse to follow and conform to such regulations the Commissioner shall cause a notice to be served upon such person notifying him to comply with and conform to such regulations, and if such

Private
sewer
connections.

person shall neglect or refuse, within ten days after the service of such notice upon him, to so comply with and conform to such regulations, the said Commissioner may cause such work to be done in accordance with such rules and regulations, and the cost thereof shall be certified by the Commissioner to the Council and by it to the Assessor, and such costs, when certified to the Assessor, shall be a lien on the land or premises using such drain or connection with a sewer, and the Assessor shall assess the same upon such premises in the next annual tax roll, in the sewer bond and interest column thereof, and it shall be collected and paid as provided for the assessment, collection and payment of general taxes.

Section 175. The permanent sewerage plan heretofore adopted in the City of Saginaw shall remain, but the Commissioner, with the approval of the Council, shall have the power from time to time to make such plans for changes therein, or extensions thereof or such additional plans for drainage and sewerage as the public interests may require, but all plans, changes and extensions shall be devised with a view to establish and maintain a regular system. All plans shall show the location, direction and size of each drain and sewer, whether mains or laterals, and connections with other drains and sewers, and such other particulars as may be necessary to present a complete plan of drainage and sewerage for the City, or that portion of the same designed to be embraced in the plan. Whenever the Commissioner of Light, Water and Sewers shall have prepared any plan of additional drainage or sewerage, or for extension or changes in the existing plans, the same shall be submitted to the Council, and upon its being adopted and confirmed by that body, and certified to by the City Clerk, said plan shall be filed in the office of the Register of Deeds of Saginaw County, whereupon the plan or any part thereof therein set forth, shall become the permanent plan of sewerage of said City, subject to be changed only by the recommendation of said Commissioner and the votes of four-fifths of the members of the Council, certified and filed as herein provided.

Permanent
sewerage
plan.

Change in
permanent
sewerage
plans.

Section 176. Said Commissioner shall not lay down or construct any sewer or drain in said City, or purchase any material, or enter into any contract, except as herein provided, except in case of any unexpected casualty or damage to the sewers or drains, of said city, in which case said Commissioner may cause the same to be repaired to an amount not exceeding two hundred fifty dollars.

Commis-
sioner
may repair
damage to
sewer.

ARTICLE XV.

Department of Parks and Cemeteries.

Commissioner of
Parks and
Cemeteries.

Section 177. The Commissioner of Parks and Cemeteries shall have general supervision of the Department of Parks and Cemeteries, and as such Commissioner, shall have the direction and control, subject to the approval of the Council, of all natatoriums, swimming pools, parks, and other places of public amusement and diversion, and public burial places now owned or hereafter acquired by the City, either within or without the limits of the corporation as the Council shall deem necessary for the public welfare.

Appoint-
ments.

Section 178. Upon the recommendation of said Commissioner the Council shall appoint such clerks and employees as may be necessary for the proper execution of the duties of such department and such Council shall fix their salaries or compensations.

Commissioner to
supervise
disburse-
ments from
Park and
Cemetery
fund.

Section 179. By and with the approval of the Council and subject to the provisions of the charter, such Commissioner shall have control over the disbursements of all moneys from the park and cemetery fund and such moneys as may be added thereto from the contingent fund: Provided, however, That no money from such fund shall be disbursed except in accordance with Section 136, Article XI. of this charter.

Park
property
exempt from
taxes.

Section 180. All property now owned or hereafter acquired for park purposes, park entrances, park driveways and park boulevards, natatoriums, swimming pools and other places of public amusement and diversion and all cemeteries with all improvements and equipments, shall be held free of all taxes and assessments by state, county or city.

Reports.

Section 181. Such Park and Cemetery Commissioner shall, on or before the 15th of the month, make a report to the Council of all matters pertaining to his department for the preceding calendar month. He shall also make an annual report as in this charter provided, and shall make such other and further reports from time to time as may be requested by the Council.

Policemen to
be detailed
to Parks
and
Cemeteries.

Section 182. The Commissioner of Health and Safety of the City, of Saginaw, upon the request of said Park and Cemetery Commissioner, and subject to the approval of the Council, shall detail for service in any of the grounds or property under the charge of said Park and Cemetery Commissioner, so many of the police force as may be necessary to maintain order and protect the property thereof, and any policeman on duty on said grounds may remove therefrom any person who may violate any of the rules and regulations of said park and cemetery department, or any

provision of this charter, ordinances of said City or general law of the state, relating to any of the grounds, property or subjects under the charge of said Commissioner: Provided, nothing in this section shall prevent the arrest, prosecution and conviction of any person so violating any such rule, ordinance or general law, which provides a punishment for such infraction.

Section 183. The City shall be the successor of the Board of Park and Cemetery Commissioners under the former charter of the City of Saginaw, and on behalf of the said City shall receive and accept any and all bequests, and gifts of money or property which have heretofore been made to the said City or said board, and may receive and accept any and all bequests and gifts which may hereafter be made to said City, to be used for the purchase, maintenance or improvement of any of the public grounds herein described as being within the jurisdiction of the Department of Park and Cemetery Commissioner. And any such bequest of money shall be paid into the City Treasury and deposited in the park and cemetery funds of said City and shall be used only for the purposes and in the manner designated in such bequest.

City may
receive
bequests for
Parks and
Cemeteries.

Section 184. Such Commissioner, subject to the direction and ordinances of the Council, shall have the care and management of all cemeteries and burial places now owned or hereafter acquired by the city, and shall direct the improvements and embellishment of the grounds, cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the Controller. The Council shall also have power in its discretion to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised, to the City, in trust, for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, or any other portions of said cemeteries, specified in any such trust, and may likewise receive, hold and apply any such property heretofore so granted, transferred or devised to any board in trust for such purpose and apply the same to the execution of such trust. The Council shall fix the price of such lots and the Park and Cemetery Commissioner shall mark the sales thereof. The conveyance of such lots shall be recorded in the City Clerk's office at the expense of the purchaser.

Commis-
sioner to
have care of
Cemeteries.

Council to
fix price of
cemetery
lots.

Section 185. The Council shall have power, also, to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place, within the City, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

Council to
pass ordi-
nances
protecting
cemeteries.

Forest
Lawn Ceme-
tery trust
fund.

Section 186. The amount now standing to the credit of the Forest Lawn Cemetery Trust Fund, so called, together with fifty per cent. of all moneys which shall from time to time be received from the sale of lots and single graves in said cemetery, shall constitute a trust fund, the income of which shall be used annually, or as occasion may require, by the Commissioner of Parks and Cemeteries with the approval of the Council, for the repairing of roadways, water appliances, walks, drains, monuments, buildings, abandoned lots and public grounds, and for its general care and maintenance. The said trust fund shall be kept separate and apart from all other funds, and shall be held and invested as hereinafter in Section 187 provided. And the said trust fund shall never, under any pretext or evasion, be diverted from its declared purpose.

Investment
of trust
funds.

Section 187. All moneys received through gifts, bequests, lot sales, in trust or otherwise and intended for the general care, maintenance, embellishment or improvement of the whole or any portion of the parks or cemeteries of the City, or any particular lot, building, or structure thereof, shall be paid to the Treasurer of the City, and shall be kept by him separate from all other funds, and shall be invested in accordance with the terms of the trust declared in and by the instrument or document whereby such funds shall come to the City and where no manner of investment is directed by the document or instrument, by or through which the said funds shall come to the City, the same shall be invested by the Treasurer in either bonds of the United States, the State of Michigan, County of Saginaw, or the City of Saginaw, accordingly as the Council shall direct, and such funds, or the income thereof, shall be drawn and used for the purpose for which the same was given or bequeathed to the City, and for no other purpose, and shall be drawn at such times and in such manner as shall be deemed necessary and proper by the said Commissioner of Parks and Cemeteries, but only by and with the consent and approval of the Council.

Burial of
poor.

Section 188. The Council shall assign and set apart plats of ground for the burial of the poor, and shall creditably care for and beautify the same, and shall cause interment to be made therein, to be paid for out of the poor fund of the City. It shall provide and care for a plat of ground wherein single interment permits shall be sold at a purchase price not to exceed ten dollars.

Cemetery
properties
exempt
from
taxation.

Section 189. The cemetery properties of the City of Saginaw, and all lots and plats therein which have been, or shall hereafter be conveyed by said City, as places of burial for the dead, shall forever be exempted from general taxation, and from special assessments for local improvements, and shall not be liable to be sold on

execution or to be applied to the payment of debts, by an assignment under any insolvent law, or by any compulsory process of law.

Section 190. When the City of Saginaw holds any land or lands within its limits which shall have been used as a cemetery or burial ground, and in which interments have been prohibited by the Common Council, and it shall have been decided to remove the bodies interred therein, it shall be lawful for the Council to sell and dispose of any such land or lands: Provided, That such sale or other transfer of such land shall not operate to give such purchaser possession of the same until the bodies therein interred shall have been removed from such cemetery, and all monuments and tombstones be removed and re-erected at the place of re-interment of the remains of each person, respectively. The Council shall have power to merge Brady Hill Cemetery and Hoyt Park in one complete plan as to landscape effect, connecting roadways, planting or other ornamentation and general maintenance, reserving absolutely to said Brady Hill Cemetery, however, all rules and regulations governing the other cemeteries belonging to the City of Saginaw.

Council may
merge
Brady Hill
Cemetery
and Hoyt
Park.

ARTICLE XVI.

City Attorney and City Engineer.

Section 191. The City Attorney shall be an attorney and counselor at law in good standing and admitted to practice in all the courts of the state and shall bring and prosecute all actions at law and suits in equity, and all special proceedings which may be directed by the Council, and shall defend all actions and proceedings to which the City, or any officer, board or department thereof, is a party, and all other actions and proceedings in which the rights and interests of the City are involved. He shall be the legal adviser of the Mayor, Council, Commissioners and all appointive officers in relation to their duties. He shall give legal advice, in writing, to the Council and Commissioners and city officers, when requested by them, in writing, and shall from time to time upon his own initiative make such recommendations relative to the legal affairs of the City as he shall deem proper and necessary. He shall perform such other duties pertaining to his office as the Council may by ordinance prescribe.

City
Attorney
qualifications
and duties.

Section 192. The City Attorney shall keep bound books of record and registry, and all briefs used in causes wherein he appears, and shall keep a register of all actions, suits and proceedings in his charge in which the city is interested. He shall keep a copy of all official written communications by him to the Council.

City Attorney
to keep
copy of
official
communi-
cations.

cil, Commissioner, board or officer of the City, and of all opinions given by him. Said records shall be the property of the City, and shall be delivered by him to his successor in office.

City
Engineer
qualifica-
tions
and
duties.

Section 193. No person shall be eligible to the office of the City Engineer who is not a civil engineer of five years' practical experience. He shall do all civil engineering and surveying required in the prosecution of all public works assigned to the various departments, and in the prosecution of all local improvements done under the direction of the Commissioner of Public Works, and shall do and perform any and all other work that may be required of him by the Council, whether the same pertains to said department or any other of the administrative departments of the City; he shall certify the progress and completion of all such work, and do such other work in connection with the departments as he may be directed to do by the Commissioners of said departments.

Council to
regulate
laying out
of addi-
tions.

Section 194. The Council shall regulate and provide the manner in which additions to the City shall be sub-divided, laid out and platted, and may cause an official map of the City to be made and kept for public inspection, which map, certified by the City Engineer, shall be prima facie evidence that the lines, as they appear, are correct; and all surveys made by the City Engineer, at the instance and expense of the City or private parties, shall be official surveys, and a minute thereof shall be kept by the City Engineer as a part of his official records, and shall be prima facie evidence of their own correctness.

ARTICLE XVII.

Franchises.

Passage of
franchise
ordinances.

Section 195. No ordinance granting a franchise shall be passed by the Council until after the expiration of thirty days from its introduction, nor until read in full at two regular meetings, and no ordinance granting a franchise shall become effective until after the expiration of thirty days from the date of its first publication after its passage.

Franchises
to be sub-
mitted to
electors.

Section 196. No franchise of any kind which is not subject to revocation at the will of the City shall be granted, unless such proposition shall have first received the affirmative vote of three-fifths of the electors voting thereon at a regular or special municipal election, and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.

Extension
franchises.

Section 197. When any person, firm or corporation holding a franchise for the locating, constructing or operating of a railroad over a portion of any street, and said franchise has not expired,

shall subsequently apply for a franchise to locate, construct or operate a railroad on any other portion of the same street or upon any other street in connection therewith, said subsequent franchise shall only be granted for the unexpired term of the first franchise.

Section 198. No franchise shall ever be granted to any person, firm or corporation except upon proper compensation to the City by way of a payment into the City treasury of a percentage of its gross receipts; the percentage to be paid to the City shall in no case be less than two per cent. per annum of the gross receipts, and the Council shall make provision in such franchise for ascertaining accurately what the actual gross receipts of any such person, firm or corporation may be per annum: Provided, That this shall not apply to railroads, except street railroads. ^{Compensation to City under franchise.}

Section 199. No franchise shall ever be granted to any person, firm or corporation for the purpose of locating and constructing any railroad or street railroad in any street, alley or public place in the City of Saginaw, except the same contain a condition that such person, firm or corporation shall, at their own expense, and at or before the time of the improvement by the City, accordingly as the City may direct, pave and improve such street between the outer rails of said track or tracks and for a space of at least one foot outside of said outer rails, in the same manner and with such material as the Council may order, and shall in like manner repave such part of such street whenever and as often as the City shall repave the same, and whenever such franchise is granted giving the privilege of constructing a double railway track or street railway track upon any street, avenue or alley, the same shall contain the further provision that in case the grantee elect to lay a single track, the right to lay any additional track on such street shall be forever forfeited in case such street or any part thereof be thereafter permanently paved, unless such grantee pave, in addition to the space between the rails of such single track and one foot on each side outside of said rails, the space which would be occupied by an additional track and the space between such space and the track already laid, and for one foot outside of what would be the outer rail of such additional track, in the same manner and with such material as the Council may order, and at their own cost and expense, and every franchise hereafter granted for the purpose of constructing a railroad track or street railway track shall require the grantee to plank all space between the rails and between the tracks of such railway or street railway and to the ends of the ties on the outside of the outer rails of such tracks on all graded streets where the same are not paved with permanent pavement, and to keep said planking ^{Pavement of street under railroad franchise.}

Franchise to contain Provision for revenue to city and for appropriation by purchase.

in good repair throughout the term of such franchise, until such street is permanently paved, and every such franchise shall contain a requirement that every pavement torn up or damaged by the grantee, its successors or assigns, in the work of constructing such tracks, shall be replaced at the sole cost and expense of such grantee, its successors and assigns, in as good condition and with the same kind of material as it was before such track or tracks were laid, and all work required to be done and materials used under this section shall be done and furnished under the direction of the Commissioner of Public Works and subject to his approval; and no franchise shall ever be granted to any person, firm or corporation, unless the same shall contain a provision providing for a revenue to the City from the person, firm or corporation holding said franchise, and also providing that the City shall at any time have the right to appropriate by purchase at a reasonable price the property of said person, firm or corporation, by purchase at a price not to exceed its cost less depreciation, but this right of purchase shall not apply to railroads other than street railroads.

Franchise for use of bridge or tunnel to provide rental.

Section 200. Every franchise hereafter granted to any person, firm or corporation, under the terms of which such person, firm or corporation shall be permitted to locate, construct, maintain or operate any street railway track or tracks along, across, upon or over any bridge or viaduct, or through any tunnel within the City of Saginaw, which shall have been built by said City, shall contain a provision that such person, firm or corporation shall pay into the City treasury of the City of Saginaw annually as rental for the use of such bridge, viaduct or tunnel, at least five per cent. of the original cost of construction thereof, and in the event that in the judgment of the Council it shall become necessary for such City to rebuild or reconstruct any such bridge, viaduct or tunnel, such annual rental shall be five per cent. of the cost of reconstruction or rebuilding, and such reconstruction or rebuilding shall be done at such time and in such manner as shall be determined by the Council of the City: Provided, That if at any time a franchise be granted for additional street railways upon such bridge or viaduct, or through such tunnel, or for the common user of tracks already laid thereon or therein, then such five per cent. rental shall be borne in equal proportions by each of such persons, firms or corporations receiving such franchises. In case the construction of any street railway line shall necessitate or require the construction or reconstruction of any bridge, viaduct or tunnel, the entire cost of such construction or reconstruction shall be paid in the first instance by the grantee in such franchise, its successors or assigns, and any such bridge or viaduct shall be of such a width and manner of construction as may

Franchise to provide for joint use of bridge or tunnel.

be required by the Council, so as to constitute a thoroughfare for the public for all ordinary purposes: Provided, That if at any time a franchise be granted for additional street railway line or street railway lines along, over or across or upon any such bridge or viaduct or through any such tunnel, the cost of the same shall be apportioned in equal parts between the owners of all such street railways using such bridge, viaduct or tunnel, and every franchise granted for the use of such bridge, viaduct or tunnel by any street railway shall so provide: Provided, Further, That every franchise for the use by any street railway of any bridge, viaduct or tunnel shall contain a provision for common user of its tracks thereon on payment of a just proportion of the cost of such tracks in addition to the foregoing. The Council of the City of Saginaw is hereby prohibited from passing, and the Mayor of said City is hereby prohibited from signing any ordinance granting any street railway franchise which shall not contain each and all of these provisions and requirements, and any such franchise not containing each and all of these requirements is hereby declared to be absolutely null and void.

Section 201. All franchises, privileges and permits hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply; and no franchise, privilege or permit shall hereafter be granted by the City in general terms or to apply to the City generally. Franchises to specify names of streets.

Section 202. All powers to regulate rates, fares and charges for service by public utility corporations is hereby reserved to the people, to be exercised by them by ordinance of the Council or in the manner in this charter provided for initiating or referring an ordinance. Any right or regulation shall further include the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service and of such public utility works. Power to regulate rates, etc., reserved to people.

Section 203. No franchise, right or privilege shall be considered as granted by any ordinance except when granted therein in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the City and against the claimant under said franchise. Ambiguities construed favorably to city.

Section 204. The grant of every franchise or privilege shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or incon- Right to regulate reserved.

venience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience.

Exclusive franchise may not be granted, ect.

Section 205. No exclusive franchise shall ever be granted, and no franchise shall ever be granted for a longer term than thirty years.

Franchise may not be assigned, ect.

Section 206. No franchise hereafter granted by the City shall ever be leased, assigned or otherwise alienated without the express consent of the City, by ordinance, and no dealing with the lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent.

City may require joint use of tracks, ect.

Section 207. The City, by and through its Council, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles and wires by any other corporation to which the City shall grant a franchise, upon the payment of a reasonable rental therefor, and any franchise or right which may be hereafter granted to any person or corporation to operate a street railway within the City or its suburbs, shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into said City, the right to operate its cars over the tracks of said street railway in so far as may be necessary to enter the City and to reach the section thereof used for business purposes: Provided, That the person or corporation desiring to operate its cars over the line of said street railway, shall first agree, in writing, with the owner thereof to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, and as to the terms and conditions of the use of said tracks and facilities, within sixty days from the time of opening negotiations therefor, then the Council shall, by resolution, after a fair hearing, fix the terms and conditions of such use and compensation, which award of the Council, when so made, shall be binding and final and observed by the parties concerned.

Council may insert additional restrictions in franchises.

Section 208. The enumeration and specification of particular matters in this charter, which may be included in every franchise or grant, shall never be construed as impairing the right of the Council to insert in such franchise or grant, such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens,

taxes, assessments, rates, fares, rentals, charges, control, forfeiture, or any other provisions whatever, as the Council shall deem proper to protect the interests of the people.

Section 209. In all franchises hereafter granted to any corporation, for the construction or operation of any street railway, the same shall be granted upon condition that upon the termination of said franchise, either voluntarily, by forfeiture, expiration or otherwise, or upon the expiration of the company's term of existence, or of its right to do business, whether occurring voluntarily or by forfeiture of its corporate existence, all of the tracks, ties, switches, turn-outs, roadbeds, poles and wires of the said company within the City of Saginaw, shall at once become the absolute property of the City, and the said company shall have no right whatsoever to the removal thereof, and this provision shall be incorporated in the franchise by appropriate words and language and shall be construed to be a part of each and every franchise hereafter granted to a street railway company, whether so contained in such franchise or not.

Property of street railway to belong to city at expiration of franchise.

ARTICLE XVIII.

The Initiative.

Section 210. Any proposed ordinance may be submitted to the Council by petition signed by qualified electors of the City, equal in number to the percentage hereinafter required. The procedure in respect to such petition shall be the same as provided in Sections 219 and 220 of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavits made.

Submission of ordinance to electors.

Section 211. If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to twenty-five per centum of the last preceding vote cast for all candidates for Mayor, and contains a request that said proposed ordinance be submitted to a vote of the people, if not passed by the Council, the Council shall, within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition, either—

Number of of signers to petition.

(a) Pass the ordinance without alteration (subject to the referendum vote under the provisions of Sections 216 and 217 of this Charter), or

Council to pass ordinance, when.

(b) Call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

Council to call special election.

Publication
of proposed
ordinance.

Section 212. Whenever any proposed ordinance is required by this charter to be submitted to the voters of the City at any election, the Council shall cause said proposed ordinance to be published in full in the official newspaper for five consecutive days, the first publication to be at least ten days before election.

Form of
ballot.

Section 213. The ballots to be used when voting upon such proposed ordinance shall contain the substance of such ordinance clearly indicated by a suitable designation in distinct and easily legible type with the words "Yes" and "No" printed below in separate lines. The elector shall designate his vote by a cross-mark (X) placed opposite the word "Yes" or the word "No" under such ordinance in a suitable place provided therefor. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the City.

Several
ordinances
submitted
at same
election.

Section 214. Any number of proposed ordinances may be voted on at the same election, in accordance with the provisions of this article.

Repeal
or amend-
ment of
ordinance.

Section 215. The Council may submit a proposition for the repeal or amendment of any ordinance so adopted by electoral vote, to be voted upon at any succeeding general municipal election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance so adopted by electoral vote, cannot be repealed or amended except by electoral vote.

ARTICLE XIX.

The Referendum.

Submission
of ordinance
to electors.

Petition.

Section 216. If at any time after the publication of an ordinance and prior to its taking effect, a petition signed by qualified electors of the City, equal in number to at least twenty-five per centum of the last preceding vote cast for all candidates for Mayor, be filed with the City Clerk, protesting against the going into effect of the ordinance mentioned in such petition, the same shall thereupon be suspended from going into effect, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as is provided in Article XVIII. of this charter, to a vote of the qualified electors of the City, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The procedure in respect to such petition shall be the same as Procedure. provided in Sections 219 and 220 of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavits made.

Section 217. The Council may, of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election any proposed ordinance or measure in the same manner and with the same force and effect as is provided in Article XVIII. If the provisions of two or more proposed ordinances or measures adopted or approved at the same election conflict, then the ordinance or measure receiving the highest affirmative vote shall control. Council may refer ordinances to electors.

ARTICLE XX.

Recall of Elective Officers.

Section 218. The holder of any elective office, except Justice of the Peace of the City, or City Recorder, may be removed by the qualified electors of the City. The procedure to effect such removal from office shall be as follows: Recall.

Section 219. A petition signed by electors qualified to vote for a successor to the incumbent sought to be removed equal in number to at least twenty-five per centum of the last preceding vote cast for all candidates for Mayor, demanding an election of a successor of said incumbent, shall be addressed to the Council and filed with the Clerk. Number of signers to petition.

The Council shall provide blank forms for such petitions, which forms shall be kept by and secured from the Clerk. The Clerk, upon issuing such forms to any person shall enter the name of the person to whom issued, the date of such issuance and the number of forms issued, in a record to be kept in his office for that purpose, and shall certify on each of said forms under the seal of the city, the name of the person to whom issued and the date of the issuance. No petition shall be filed unless it shall bear such certificate of the Clerk. Form of petition.

All petitions shall be returned and filed with the Clerk within thirty days from the date of issuance of such forms. The petition shall contain a specific statement of the grounds upon which such removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. The person procuring the signatures to each such paper shall make oath before an officer competent to administer oaths, that he is informed and believes that the statements contained therein are true, and that each signature appended to the paper is the genuine signature of Return of petition.

the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, with endorsement thereon of the names and addresses of at least three persons designated as filing said petition.

Affidavit. Provided, That prior to the issuance of any blank forms of petition for recall, an affidavit shall be made by five or more qualified electors, which affidavit shall state the name of the officer or officers sought to be removed and the ground upon which the removal is sought, and such affidavit shall be filed with the Clerk

Clerk's certificate. Section 220. Within ten days from the filing of said petition, the Clerk shall ascertain by examination thereof and of the registration books and election returns whether the petition is signed by the required number of qualified electors, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the Council for this purpose.

Amended petition. If his certificate shows that the petition is insufficient, he shall, within five days, notify, in writing, one or more of the persons designated on the petition as filing the same, and the petition may be amended at any time within fifteen days from the date of the filing, by the Clerk, of his certificate of examination. The Clerk shall, within ten days after such amendment has been filed, make like examination of the amended petition and attach thereto his certificate of the result. If still insufficient, or if no amendment shall have been filed, he shall return the petition to one of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

Clerk to submit petition to council. Section 221. If the petition or amended petition shall be found and certified by the Clerk to be sufficient, he shall submit the same with his certificate to the Council without delay, and the Council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Monday fixed by it, not less than thirty days, or more than forty-five days from the date of the Clerk's certificate that a sufficient petition has been filed: Provided, however, that if any other municipal election is to occur within sixty days from the date of the Clerk's certificate, the Council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occur, in said office after a removal election has been so ordered, the election shall, nevertheless, proceed as in this article provided.

Officer may be a candidate. Section 222. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the Clerk shall place his name on the head of the official ballot without nomination. The nomination of other candidates, the

publication of notice of such removal election and the conduct of the same, shall all be in accord with the provisions of Article XXI hereof, relating to elections.

In such removal election the candidate receiving the majority of all votes cast for said office at the first election, or if that prove to be a primary election, then the candidate receiving the highest number of votes at the second election, shall be declared elected. Said second election, if necessary, shall be held on the third Monday after the first election.

Determina-
tion of
result of
election.

Section 223. The incumbent shall continue to perform the duties of his office until the removal election. If then elected he shall continue in office for the balance of his term, unless recalled or removed as herein provided. If not then elected, he shall be deemed removed from office upon the qualification of his successor who shall hold office during the unexpired term, unless recalled or removed as herein provided. If the successor fail to qualify within seven days after his election, the incumbent shall thereupon be deemed removed and the office vacant. The method of removal by recall herein provided for, shall be cumulative and additional to any method otherwise provided in this Charter.

Duty of
incumbent.

Section 224. No recall petition shall be filed against any officer until he has actually held his office for at least six months.

May recall
after six
months.

Section 225. No person who has been removed from any office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such removal by recall or resignation.

Appoint-
ment,
recalled
official.

ARTICLE XXI.

Elections—Registrations.

Section 226. Regular elections shall be held as provided in this Charter and special elections shall be held at such times and for such purposes as the Council may prescribe, except when otherwise provided in this Charter: Provided, That at least ten days' notice shall be given of the time, place and purpose of any such election as in this Charter provided. The term "elections" and "election" as used in this Article shall be construed to include primary elections.

Time of
elections.

Section 227. All persons who are electors under the constitution and general laws of the state are made electors under this Charter and qualified to vote at all elections held thereunder; they shall be subject to the same challenge and required to take the same oath, and for any violation thereof shall be subject to the same penalties as may be prescribed by the laws of the state; provided,

Electors.

that nothing in the laws of the state applying to party enrollment or any other party procedure shall apply to elections held under this Charter, for City offices, except as herein otherwise provided.

Place of voting.

Section 228. At all elections every voter shall vote in the ward or precinct wherein he shall have resided twenty days next preceding the day of election at which he casts his vote.

Council to designate place of voting.

Section 229. At least twenty days prior to any general or special election, either municipal, state, county or federal, the Council shall designate one place of voting in each ward or precinct thereof three inspectors of election, who together with the permanent inspector of elections heretofore provided for each such wards and precincts thereof, shall constitute the Board of Election Inspectors for each such wards and precincts thereof, which inspectors shall be qualified electors of the ward or precinct for which appointed: Provided, That no person shall act as such inspector who is a candidate for any office to be elected at said election. The Council shall also, at the time of appointing such inspectors, fix their compensation. In case any or all of such inspectors, shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose viva voce such number of said electors as with the member or members of the board present, if any, shall constitute a board of four in number, and such electors so chosen shall be inspectors of that election during the continuance thereof.

Inspectors of election.

Clerks of election.

Section 230. Such inspectors in each ward or precinct thereof shall designate one of their number to act as clerk and shall appoint one other elector as second clerk, and each of the clerks so appointed and each of the inspectors so appointed by the Council or chosen by the electors, shall take the constitutional oath of office. Each member of said board shall be authorized to administer such oath or any oath required to be taken by any person at said election. Such inspectors of election at all elections, as mentioned in Section 229 of this Charter, shall conduct the elections and voting at same and shall have the same powers and perform the same duties of opening and closing the polls, keeping the poll lists, canvassing the votes, declaring the result and certifying the returns in the same manner as is now or may be hereafter provided by the laws of this state for conducting general, federal, state and county elections, provided that the duplicate statement prepared by the inspectors of election, showing number of votes cast for each office, names of persons for whom such votes were given and number each person received for any city office, shall, when certified by the inspectors and duly signed, be delivered to the City Clerk, and shall by him be delivered to

Oaths.

Conduct of election.

Returns of election delivered to City Clerk.

the Board of County Canvassers and County Clerk, as is his duty, and shall be done by him with the statements pertaining to federal, state and county offices, and except as may be otherwise provided in this Charter. The City Clerk shall receive such returns and he shall forthwith file and tabulate those pertaining to the election of city offices.

Section 231. The City Clerk shall perform such duties, relative to the preparation, printing and distribution of ballots for all city elections, as are required by law of the boards of election commissioners of counties, and he shall have ready for delivery forty-eight hours before the time fixed by law for the opening of the polls on the day of each municipal election, all necessary books, blanks and lists required by the general laws of the state or by this Charter, for holding elections, and twice the number of ballots for each voting place as the total vote cast therein at the last general election. It shall be the duty of the chairman or any member of the board of election inspectors of each voting precinct in the City, to appear in the office of the City Clerk not more than forty-eight hours before the hour for opening of the polls of any municipal election, and the said City Clerk shall deliver to him, in a sealed package, the ballots and other material provided for his precinct. The necessary number of ballots shall be wrapped and tied in packages and securely sealed with wax, and the City Clerk shall make and sign a certificate setting forth the number of ballots in each package, and that such packages were packed and sealed by himself personally, and upon delivery of such package and certificate to said inspector of election, he shall receipt for the same and such certificate shall be returned and filed in the office of the City Clerk when the return of the votes cast in such precinct shall be made by said inspectors of election. For the safe sealing of such ballots the City Clerk shall provide himself with a seal of such design as he may deem proper. The said package shall not be opened until delivered to the boards of election inspectors of the respective voting precincts to which they were directed after said boards shall be fully organized and ready for the reception of votes as in this Article provided. The said Clerk shall also in addition to providing the seals and ballot boxes, required by the general law of the state for federal, state and county elections, provide and keep, at the expense of the City, in each ward or voting precinct thereof for use in municipal elections, a sufficient number of ballot boxes, which shall be constructed and provided with lock and key, the same as is provided by the general elections laws of the state hereinbefore mentioned.

City Clerk
to prepare
ballots, etc.

Delivery of
ballots.

Sealing of
ballots.

Opening of
ballots.

Section 232. The manner and form of printing, numbering and initialing the ballots for the election of city officers, shall be the same as near as may be as provided by the general laws of the

Form of
ballot.

state for federal, state and county elections, except as otherwise provided in this Charter, and shall be uniform, except as to the number thereon, and the names of all candidates printed thereon shall be in type of the same size and style. The forms shall be set up with the names of the candidates for each office arranged in alphabetical order according to surnames. In printing each set of tickets for the several election precincts, the positions of the names shall be changed in each office division as many times as there are candidates in the office division where there are the most names. As nearly as possible an equal number of tickets shall be printed after the change. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of the division and shove up the column, so that the name that before was second shall be first after the change, and so arrange the pile of ballots, that every alternate ballot shall have the names in a different position. The proof copy of all ballots shall be open to inspection at the office of the City Clerk for not less than two full secular days, at least five days before such election, and it shall be the duty of said Clerk to correct such errors as may be found therein by such inspection.

Proof copy
of ballot.

Instruction
ballots.

Section 233. At least three days before any election the City Clerk shall cause to be printed not less than five hundred nor more than three thousand instruction ballots upon paper of different color and quality, and plainly marked "Instruction Ballots", but otherwise identical with the ballot to be used at general elections, and he shall distribute the same at his office to registered voters upon personal application, provided, however, that the provisions of Section 232 herein relative to the alternating of positions of names shall not apply to instruction ballots.

Notice of
election.

Section 234. Notice of the time and place or places of holding any election, the City offices to be filled, the list of the names of all candidates therefor and the questions to be voted upon shall be given by the City Clerk by publication in two daily newspapers printed and circulated in the city, at least four alternate days within the last ten days preceding such election. At all elections the polls shall be opened in each ward or precinct thereof at the several places designated by the Council at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day; Provided, The Council may by resolution continue the polls open not later than eight o'clock in the evening of the same day.

Opening and
closing of
polls.

Amendment,
November 7,
1916.

Council to
act as Board
of Can-
vassers.

Section 235. The Council shall be the board of canvassers for all municipal elections and shall convene on the Tuesday after every municipal election at seven o'clock p. m., at their usual place of meeting, and the statement of votes filed with the clerk of the

City by the inspectors of election shall be produced by said clerk and the Council shall proceed forthwith to canvass the returns of such election and determine and certify in the manner provided by law what persons are duly nominated or elected at the said election to the several offices respectively, and in case of a tie vote for any office shall decide by lot, in the manner hereinafter provided, which of the persons having the highest and equal number of votes shall be nominated for or elected to such office. In event of such tie, the Council shall direct as many strips of paper of equal size and appearance as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put such ballots together in a hat or box and one of the members of the Council shall then, without being able to see such strips of paper or names thereon, proceed to draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared nominated or elected. A statement of such canvass shall be made out and signed by the president of the Council, and certificates of nomination or election shall be made out and signed by the said president, as follows: If of a nomination, it shall be filed with the City Clerk, and if of election it shall be made in duplicate, one of which shall be filed with the City Clerk and the other with the County Clerk. The City Clerk, on the following day, shall make out and cause to be delivered or mailed to each person so nominated or elected, a certified copy of such certificate of such nomination or election as the case may be.

Determination of tie vote.

Statement of canvass.

Section 236. A certificate of election shall be prima facie evidence of the facts therein stated; and in all cases of recount for any office, such recount shall be conducted as nearly as may be according to the laws of the state regulating proceedings in the recount of township, city and village offices.

Certificate of election.

The Council shall have power to settle any questions concerning any other election procedure or questions involved therein, not specifically covered by this Charter or by the provisions of the general election laws of the state to which it refers.

Council to settle questions of elections.

Section 237. Each ward shall be an election district by itself, but it shall be lawful for the Council, in its discretion, at any time preceding any general or municipal election, to divide the several wards of the City, or either of them, in the manner now or hereafter provided by the general statutes of the state, into convenient election districts, for holding elections and in case of such division, the provision of the general laws of this state, now or hereafter in force, so far as applicable, and of this Charter, relating to elections, shall be applicable to such election districts.

Each ward to be an election district.

Council may divide wards.

Time of
primary
elections.
Amendment
Nov. 7, 1916.

Section 238. At the respective times hereinafter stated there shall be held in each ward and voting precinct thereof, of the City, a non-partisan primary election for the purposes hereinafter mentioned, viz.: On the first day of December, A. D. 1913, for the purpose of nominating a Mayor, four Councilmen and ten Supervisors. Said nomination shall be for an office the term of which shall commence on the first day of January, A. D. 1914, and continue until the second Monday in April, A. D. 1915, or until their successors are elected and qualify.

Time of
primary
elections.

On the third Monday preceding the first Monday in April, A. D. 1915, for the purpose of nominating a Mayor, four Councilmen and ten Supervisors, and for nominating candidates to fill any vacancy in the foregoing offices not heretofore filled by special election under the terms of this Charter. Said nominations last above mentioned shall be for offices, the terms of which shall be as follows, namely: Mayor, four years and until his successor is elected and qualifies; two Councilmen for two years, and two Councilmen for four years, and until their successors are elected and qualify; five Supervisors for two years and five Supervisors for four years, and until their successors are elected and qualify.

In the nominating petitions for candidates for Commissioner and for Supervisor at the non-partisan primary election to be held on said third Monday preceding the first Monday in April, A. D. 1915, the term of office for which such candidate seeks nomination and election, shall be designated by stating if for the long or short term. And the same manner of designation shall be made and adopted by any candidate or candidates who may see fit, in lieu of a nominating petition, to make the deposit as provided in Section 240 of this Charter. And the term so designated by any candidate shall also in like manner be printed upon the non-partisan primary ballot in addition to the other matters required by the terms of this Charter to appear thereon.

On the first Wednesday in March, A. D. 1917, and every two years thereafter, for the purpose of nominating two Councilmen for a term of office of four years, and until their successors are elected and qualify; and also five Supervisors for a term of office of four years, and until their successors are elected and qualify.

On the first Wednesday in March, A. D. 1919, and every four years thereafter, for the purpose of nominating a Mayor for the term of office of four years and until his successor is elected and qualifies.

At any of the non-partisan primary elections in this section mentioned, there may also be nominations for the purpose of filling any vacancy existing in any offices in this section mentioned.

Nominating
petition.

Section 239. The name of no person shall be placed upon the primary ballot unless before five o'clock in the afternoon of the fourteenth day, before the primary election day there shall be

filed in his behalf in the office of the City Clerk a petition or petitions signed by not less than twenty-five of the qualified electors of the City: Provided, That these petitions shall bear no reference to any political party, and that the signature of each signer shall include his street address, ward and precinct, and date of signing said petition: Provided, further, that such petition must be in substantially the following form:

Number of
signers.

"We, the undersigned, qualified electors of the City of Saginaw, Saginaw County, Michigan, respectfully petition and request that the name of (an elector in the City of Saginaw), residing at Street, be placed upon the ballot to be prepared for use at the next non-partisan primary election as a candidate for the nomination for (name of office, and if to fill vacancy, state vacancy to be filled.)"

Form of
petition.

Each elector may sign one petition for one person for each office to be filled, and if his signature shall appear upon a greater number of petitions than herein allowed, such signature shall be void as to the excess, and in determining upon which petitions his signature shall count, the same shall be decided by the priority of the time of filing. The said clerk shall number each petition in numerical order as received, and shall endorse upon it the date and time of its presentation to him, and shall then place, or cause to be placed, upon the non-partisan primary election ballot of the City, the name of each and every person entitled to have his name appear upon such ballot, as herein provided.

Clerk to
number and
endorse
petitions.

Section 240. In lieu of a petition of nomination for the primary election a deposit of fifty dollars in legal tender may be made by anyone who may be a candidate for the office of Mayor, and twenty-five dollars for anyone who may be a candidate for the office of Commissioner, and ten dollars for a Supervisor, and his name shall then be placed upon said primary ballot in all respects as if a petition had been filed with the City Clerk in compliance with the provisions of this Charter. Said Clerk shall give to such candidate a receipt for such deposit, which shall in every case be sufficient evidence of the payment of the money. The sum so deposited by any candidate shall be returned to him in event of his obtaining a number of votes at least equal to ten per cent. of the number of votes cast for the candidate for the same office receiving the greatest number of votes, otherwise such sum so deposited shall belong to the City and shall be placed in the general fund.

Deposit in
lieu of
petition.

Refund of
deposit.

Section 241. On the tenth day before any primary election, the City Clerk shall prepare and have printed one general, non-partisan ballot, which shall bear the names of the offices to be filled and

Primary
election
ballot.

Form of
ballot.

the duly qualified candidates therefor, without respect or reference to party. Across the head of each ballot shall be printed in plain black type the words, "Non-Partisan Primary Ballot." On the next line and in smaller type shall be printed the words, "List of Candidates for Nomination To Be Voted For. This Ballot for use in the Ward," (naming the ward and precinct thereof, if any, that said ballot is intended for), followed by "City of Saginaw." The balance of the ticket shall be made up in single column. At the top shall appear the words, "To vote for a person, mark 'X' in the square at the left of the name of the person for whom you desire to vote." This sentence shall be closed in a rule, the same as the names of each candidate, and at its end shall be a square marked with a black cross to show the voter how to mark the ballot. Immediately below, and separated by a rule, shall appear the name of the first office for which they are named in Section 5, of this Charter. Following this shall come the names of each of the candidates for that position, with a square to the extreme left. Each position, with the names of the candidates for that position, shall be separated from the following one by a black face rule. In no manner, directly or indirectly, shall it be permissible to print or cause to be printed any reference to any political party or the insignia or other mark of identification of any political party on said ballot. Such ballot shall plainly indicate after the proper candidate's name the particular vacancy to be filled, if any such there be.

Determina-
tion of
result of
election.

Section 242. When there is but one office to fill, the two candidates receiving the largest number of votes for that office shall be the candidates whose names shall appear upon the succeeding general election ballot for said office, provided, however, that said primary for such office shall be final and the person shall be declared elected and no second election shall be held in connection with that office in either of the following events:

(a) When there be but one candidate in the primary for such office.

(b) When one of the candidates for such office shall receive a majority of all the votes cast for said office at said primary.

When there be two or more offices of like kind to be filled, the said primary for such offices shall be final and the persons shall be declared elected and no second election shall be held in connection with such offices in either of the following events:

(a) When the number of candidates shall be less than or equal to, but shall not exceed, the number of said offices to be filled.

(b) When a candidate or candidates shall receive a majority of the total number of votes cast for such offices, according to the poll list: Provided, That if at such primaries none or but a part of such offices are filled in the manner last above described, then as to those remaining to be filled there shall be placed on the election ballot from those receiving the highest number of votes the names of two persons for each of said offices so remaining to be filled: Provided, further, that if the total number of candidates for such offices be less than two for each such offices so remaining to be filled, then the names of all of said candidates shall be placed upon the election ballot.

If at any time the number of candidates shall be less than the number of offices of like kind to be filled, then the present incumbents of such offices, to a number sufficient to supply the deficiency in the number of candidates, shall hold over and continue in office until a successor or successors be elected and qualify, and in determining which of the present incumbents of like offices shall so hold over the person or persons not then candidates for re-election shall continue in office in accordance with whichever of them shall have received the largest number of votes at the last preceding election.

Section 243. At the respective times hereinafter stated there shall be held in each ward and voting precinct thereof, of the City, a general non-partisan election, for the purposes hereinafter mentioned, namely: On the 22nd day of December, A. D. 1913, for the purpose of electing a Mayor, four Councilmen and ten Supervisors. Said election shall be for an office, the term of which shall commence on the first day of January, A. D. 1914, and continue until the second Monday in April, A. D. 1915, or until their successors are elected and qualify. Time of elections.

On the first Monday in April, A. D. 1915, for the purpose of electing a Mayor, four Councilmen and ten Supervisors, and for electing candidates to fill any vacancy in the foregoing offices not theretofore filled by special election under the terms of this Charter. Said election last above mentioned shall be for offices, the terms of which shall be as follows, namely: Mayor, four years, and until his successor is elected and qualifies. Two Councilmen for two years and two Councilmen for four years, and until their successors are elected and qualify. Five Supervisors for two years and five Supervisors for four years, and until their successors are elected and qualify.

At said last mentioned election there shall be printed upon the ballot in addition to the other matters required by the terms of this Charter to appear thereon, a designation showing whether the candidate is running for the long or short term.

Time of
elections.

On the first Monday in April, A. D. 1917, and every two years thereafter, for the purpose of electing two Councilmen for the term of office of four years, and until their successors are elected and qualify; also five Supervisors for the term of office of four years, and until their successors are elected and qualify, and for the purpose of electing candidates to fill any vacancy in the foregoing offices not theretofore filled by special election under the terms of this Charter.

On the first Monday in April, A. D. 1919, and every four years thereafter for the purpose of electing a Mayor for the term of office of four years, and until his successor is elected and qualifies, and for the purpose of electing a candidate to fill any vacancy in the foregoing office not theretofore filled by special election under the terms of this Charter.

Provided, however, that if the non-partisan primary held on the first day of December, A. D. 1913, or on the third Monday preceding the first Monday in April shall have, under the terms of this Charter, resulted in the election of one or more of the officers in this section mentioned, then no general non-partisan election shall be held for such office or offices so filled and elected at the said non-partisan primary, as aforesaid.

Form of
ballot.

Section 244. The City Clerk shall cause to be printed on one ballot in compliance with the provisions hereinbefore contained without respect or reference to political party, the name of the candidate or candidates for each office chosen in the primary election as hereinbefore provided. The only printing on said ballot shall be the number of the ballot, the title of the election, the words "To vote for a person, mark 'X' in the square at the left of the name of the person for whom you desire to vote," the name of the office, the name of the qualified candidate or candidates for each office and squares at the left in front of these names.

Term of
candidate to
be specified.

Section 245. If at any election to be held in said City there shall be one or more vacancies to be filled in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is to be voted for shall be designated on the ballot.

Manner of
submitting
questions.

Section 246. Whenever any question is required by the constitution or laws of this state, or this Charter, to be submitted by the City to the qualified voters thereon the substance of such question shall be clearly indicated upon the ballot, and below the same upon the ballot shall be placed, in separate lines, the words, "yes" and "no". The voter shall designate his vote by a cross (X) placed opposite the word "yes" or "no" in the square to be placed in the printing of the ballot at the left of such words.

Section 247. Where there is but one office to fill, the person having the greatest number of votes for such office shall be deemed to have been duly elected to such office. When there are two or more like offices to be filled, the persons to the number of the offices to be filled receiving the greatest number of votes shall be deemed to have been duly elected to such offices.

Determina-
tion of
result of
election.

Section 248. Within ten days after any election held under the provisions of this Charter, every candidate whose name appeared either upon the primary or general election ballot as a candidate for any elective office of the City, shall file with the City Clerk a statement under oath, setting forth in detail all sums of money, if any, which he has expended in his campaign, or which within his knowledge, have been expended by others in his behalf; said statement shall show to whom such sums were paid, in what amount, and for what purpose; and also in what amount, and by whom contributions were made to him or to his knowledge to any person or persons working in his behalf. Wilful neglect to file such statement, or wilful falsification therein, or wilful failure to fully set forth every item herein required, shall be punishable as hereinafter provided.

Statement of
election
expenses.

Section 249. The statements thus filed with the City Clerk shall be public records open at all times for the inspection of the public. If any candidate in any election shall have failed to file the statement as herein provided, it shall be the duty of the City Clerk to notify the Mayor of said City forthwith, and it shall be the duty of the Mayor to make complaint in a Court of competent jurisdiction.

Statements
to be filed
with clerk.

Section 250. No corporation and no officer of any corporation interested, either directly or indirectly, in any license or contract or the purpose thereof then pending or in contemplation before the City, its Council or any department thereof, and no officer or agent of any public service corporation holding franchises in the said City, shall, either directly or indirectly, contribute any money or other valuable thing to the campaign fund of any candidate for office at any primary or other election held under this Charter.

Certain
corporations
not to con-
tribute to
campaign
fund.

Section 251. No candidate in any election held under the provisions of this Charter shall print or cause to be printed any literature or letters of any description or any advertising of any nature, which shall contain a reference to any political party.

Campaign
literature.

Section 252. No person shall perform or agree to perform any service in the interest of any candidate for any office provided in this Charter in consideration of any money or other valuable thing; but the bona fide payment by any candidate for office or any other person, for the fair and reasonable cost of printing,

Candidate
may not
hire helpers.

advertising, office maintenance and the reasonable and bona fide expenses of holding public meetings and of distributing printed matter shall not be in contravention of this Charter.

Bribery
forbidden.

Section 253. No person, firm or corporation shall give, offer to give, or promise any money or other consideration to any elector, or to any person for the use of any elector for the purpose of influencing the vote of any elector at any election provided for in this Charter; or to or for any election for the purpose of securing support for any candidate at such election; and no elector shall receive, accept or solicit such money or other consideration for any such purpose.

Pre-election
promises
forbidden.

Section 254. No person nominated for or holding any office in the government of the City, and no person while seeking a nomination for or appointment to any such office, shall use or promise to use, either directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, in the way of conferring upon any person or in order to secure or aid any person in securing any office or public employment in any position under this Charter, or any nomination, promotion, increase of salary or other preferment upon the consideration, condition or understanding that the vote, influence or action of such person shall be given or used on behalf of any candidate, or officer or upon any other consideration or condition.

City
officials may
not serve
on campaign
committees.

Section 255. No employee or officer of the City shall be an employee or officer of any campaign committee; nor shall any employee or officer of the City circulate or solicit signatures to any petition mentioned in Section 239 of this article, except his own.

Prohibited
acts.

Section 256. No person shall do any act in the interest of any candidate at any primary or election under this Charter which this article prohibits the candidate himself from performing.

Applica-
bility of
Article XXI.

Section 257. The provisions of this article, so far as applicable, shall apply to the general or special elections held upon any propositions submitted to the vote of the electors.

Penalty.

Section 258. Any violation of the preceding ten sections of this article shall be a misdemeanor, and punishable by a fine of not to exceed \$500.00 or by imprisonment in the County Jail for not to exceed 90 days, or by both: Provided, That the conviction of any official or employee of said City shall, ipso facto, render his office vacant or end his employment; or, if a candidate, it shall render him ineligible to retain place upon ballot at the election at which he seeks to appear as a candidate: Provided further, that any such vacancy shall be filled in the manner prescribed by this Charter.

Section 259. At the first meeting of the Council held under this Charter the said Council shall appoint a board of registration to consist of two members for each ward and voting precinct of the City, who shall hold office until the third Monday in April, 1915, and until their successors are appointed and qualify, and the said Council at its meeting on the third Monday of April, 1915, and every two years thereafter, shall appoint a board of registration to consist of two members for each ward and voting precinct of the City, whose term of office shall be for two years and until their successors are appointed and qualify and in the event of a vacancy or vacancies in such offices the Council shall appoint such person or persons as may be necessary to fill the same: Provided, That if at the hour appointed for opening the polls at the various wards and voting precincts thereof for registration purposes either or both of the members of the board of registration appointed for that ward or voting precinct shall for any reason fail or neglect to appear, or if either or both thereof shall thereafter absent themselves from such meeting, the electors of any such ward or voting precinct present at the place of registration may elect viva voce an elector or electors of said ward or voting precinct to fill any vacancy on said board occurring in that ward or voting precinct thereof. The members of said board shall be qualified electors of the City and shall be appointed from and reside in the ward and voting precinct thereof, in which they are to act. Each of the members of said board shall, within five days after their appointment, file in the office of the City Clerk an acceptance in writing and shall also take and file the constitutional oath of office.

Registration Board.

Appointment of Board of Registration.

Qualifications.

Section 260. It shall be the duty of the City Clerk, at the expense of the City, to prepare or cause to be prepared, from time to time as necessity may require, proper registers of electors for each ward and voting precinct thereof of the City, in such form and manner as is now or may hereafter be provided by law, and such City Clerk shall be the custodian of such registers at all times when the same are not in use by the board of registration or members thereof, or in use at elections.

City Clerk to prepare registers.

Section 261. On the second Saturday next preceding a general election and on the seventh day (Sunday excepted) next preceding the day of any regular charter election, or regular or special charter primary or any special election, and on such other days prior to such days as shall be appointed by the Council of the City, not exceeding three days in all, previous to any such election, the board of registration of the City to be constituted, as aforesaid, shall be in session at such places in the several wards and voting precincts thereof as they shall designate in their notices to be published and posted up, as provided by law, from eight o'clock in

Meetings of Board of Registration.

Duties of Board of Registration. the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters, during which session it shall be the right of each and every person then actually residing in the ward and who at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register, which shall be done in the manner provided by law, and such board and each member thereof and each applicant for registration is hereby vested and charged with the same rights, powers and duties and penal liabilities touching the examination of applicants, as provided herein or in the general laws of the state, provided, however, that there shall be no meeting of the board of registration under the terms of the foregoing section preceding the general November election in such years as there has been a re-registration, in accordance with the provision of this charter hereinafter contained.

Duties of Board of Registration. Section 262. The said board of registration and the members thereof shall have such powers and shall perform such duties in connection with the registration of electors as is now or may hereafter be provided by the general laws of the state.

City Clerk to distribute registers. Section 263. At each and every registration day it shall be the duty of the City Clerk to have the register of electors, intended for use in the various wards and voting precincts thereof, in the hands of a member of said board at the time and place designated in each such ward and voting precinct for the registration of electors, and such registers shall, after the registration is closed, be promptly returned to the said City Clerk.

Clerk to provide registers for women. Section 264. It is hereby made the duty of the City Clerk at the expense of the City to prepare or cause to be prepared and furnished, from time to time as occasion may require, for use in the various wards and voting precincts thereof of the City, by the board of registration, proper and necessary books or registers for the registration of women, in compliance with the constitution and general laws of the state, and it shall be the duty of the said board of registration and members thereof to perform such duties in relation to the registration of women as is now or may hereafter be provided by the constitution and general laws of the state.

Re-registration every fourth year. Section 265. The Council of said City shall cause a session of the board of registration of each ward or voting precincts thereof of said City to be held on the first Monday in October, in the year nineteen hundred sixteen, and on the first Monday in October in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each ward or voting precinct thereof in said City, said board shall cause a like notice of

such meeting and registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period as is required by Section 2 of Act number One Hundred Seventy-seven of the Session Laws of eighteen hundred fifty-nine, entitled, "An Act further to preserve the purity of elections and guard against the abuse of the elective franchise by a registration of electors," approved February fourteen, eighteen hundred fifty-nine, being Section 3537 of the Compiled Laws of 1897, and the Acts amendatory thereof. The said several boards shall be in session on the first Monday in October, as aforesaid, and as may be determined by the Council, for not less than two nor more than five of the next succeeding days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from four o'clock to eight o'clock in the afternoon, and shall be provided with suitable records for registering the names of voters, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the act aforesaid, and the same rules and requirements shall be observed in such registration in all respects as were required in the original registration under said act, except, however, as said powers, duties, rules and requirements are changed by this charter. When such registration shall be completed, the former registry of electors in such ward or voting precinct thereof shall thenceforth be deemed invalid, and shall not be used at the ensuing elections. No person shall vote at any public election in such wards or voting precincts thereof, and after such re-registration, whose name shall not be registered anew under the provisions of this section, or be afterwards properly entered on such new register according to the provisions of the act aforesaid, or of this charter.

Times of
meeting.

Section 266. The board of re-registration, which shall be composed of the members of the boards of registration assigned to the several wards and precincts thereof of the City shall, in the year in which a re-registration shall be held, assemble at the Council Chamber on the Saturday preceding the regular November election, at nine o'clock in the forenoon. On the organization of said city board by appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and precincts thereof of said City; said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or precinct thereof, excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards or precincts thereof of said City, the board shall ascertain the ward or precinct thereof in which such person is entitled to be registered, and shall indicate in the register of any other ward or precinct thereof the

Board
Re-registra-
tion to meet
at City Hall.

Registra-
tion.

fact that such person is not entitled to vote in such other ward or precinct thereof, retaining the name of such person in the ward or precinct thereof in which such person is entitled to vote; said board may register any person applying to be registered in the ward or precinct thereof in which such person is entitled to vote; said board may register any person applying to be registered in the register of the ward or precinct thereof in which said applicant resides: Provided, said board shall require such applicant to state positively, on oath or affirmation, which oath or affirmation any member of such board may administer, to answer to such questions as shall be asked him, touching his right to be registered by said board, that he has resided in such ward or precinct thereof at least twenty days preceding the session of said city board, designating particularly the place of his residence, and that he possesses the other qualifications of an elector under the constitution, stating such qualifications; and that owing to the sickness or bodily infirmity of himself or some near relative residing in the same household (giving the name of such relative), or owing to his absence from the City on public or official business, or on his own business, and without intent to avoid or delay his registration in the ward or precinct thereof in which he resides, he has been prevented from causing his name to be previously registered, or that he was not registered in the ward or precinct of his then residence during the then last session of the board therein, because of his not having resided in such ward or precinct thereof twenty days prior to the conclusion of the said session of said board, and that he moved into the said ward or precinct (stating the time he so moved) and has continued since to reside therein, with intent to become a resident thereof, and if, furthermore, some qualified elector of said City, and not a candidate for office at the then approaching election, shall take an oath before said board, which oath any member of said board may administer, that he has in fact resided in said ward or precinct at least twenty days prior to the then session of said city board, and that he has good reason to believe, and does believe, that all the statements of such applicant are true. Said board may question such applicant or qualified elector as they may think proper, in order that they may be satisfied of the truth of such statement. If they shall deem such applicant a qualified elector of such ward or precinct and entitled to be registered, they shall direct the chairman of the board to register the name of the applicant, with the date of registration, and his place of residence, in the register of the ward or precinct in which he is entitled to vote. Said board may employ an interpreter in case either said applicant or qualified elector shall be unable to speak the English language; who shall be sworn by one of said board to truly interpret the oath of said applicant and

Interpreter.

elector, and to interpret to them said questions and answers made thereto to said board. If such applicant or such qualified elector shall in such manner wilfully make any false statements, or if said interpreter shall wilfully and falsely mis-state such oath, questions or answers, he shall be deemed guilty of perjury, and on conviction be subject to the pains and penalties thereof. No name shall be added to any of said registers by said city board of registration, or entries made therein by said board, unless at least one member of the board assigned to the ward or precinct in the register of which said name is added or entry made shall be present.

Section 267. When any person shall apply to the inspectors at the November election of any year in which a re-registration has been had, in accordance with the foregoing provisions of this Charter, who has not been registered at such re-registration, alleging that he was absent during the entire time of the last session of the board of registration of the ward or precinct, said inspectors shall require such applicant to state, on oath, in addition to the statement required by Section Fourteen of said Act number One Hundred Seventy-seven, approved February fourteen, eighteen hundred fifty-nine, that he was absent from the City during the entire time of said session, and during the entire time of the session of the city board of registration on the Saturday preceding such election.

Section 268. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into voting precincts, the name of each registered elector known to have been transferred by such change from one ward to another ward, or to a new ward, or from one voting precinct to another, shall be copied by the City Clerk into the register of the ward or precinct to which the transfer was made, and be stricken from the register of the ward or precinct from which the elector was transferred by the change, and said elector notified thereof by mail.

Section 269. The provisions hereinbefore in this charter contained, relative to non-partisan primaries and non-partisan elections, shall in no wise be construed to apply to the election of school inspectors provided for by an act to revise and amend an act entitled, "An Act to revise an Act entitled, 'An Act to incorporate the Board of Education of the City of East Saginaw' and the several Acts amendatory thereto," nor shall they apply to the election of Constables, Justice of the Peace or Recorder.

Section 270. The Inspectors of Election hereinbefore in this charter provided for shall act as the inspectors at all elections for said School Inspectors, Constables, Justice of the Peace and Re-

corder, and all of the provisions hereinbefore contained, relative to registration, shall be held to apply in the election of the officers last above mentioned, and the votes shall be canvassed and the results declared in the same manner as hereinbefore provided.

Nomination
of School
Inspectors,
etc.

Section 271. Said School Inspectors, Justice of the Peace, Recorder and Constables shall be nominated, and the ballots for said officers shall be prepared, printed and furnished in the same manner and form as is now or may hereafter be provided by the general laws of this State, and it shall be the duty of the City Clerk and other officers of said City to perform the same duties and to conduct the election of said officers in the same manner as near as may be as is now provided by the general laws of the State, except as may in this charter be otherwise specifically provided.

ARTICLE XXII.

On Street and Public Improvements.

Powers of
Council
over streets,
etc.

Section 272. Subject to the provisions of Subdivision (e) of Section 5, Act No. 279, Public Acts 1909, the Council of the City of Saginaw shall have full power to lay out, open, widen, alter, fill in or grade, vacate or abolish any highway, streets, avenues, lanes, alleys, public grounds or spaces in said City.

Improve-
ment
declared by
resolution.

Section 273. When any improvement is to be made the Council shall so declare by resolution.

Records of
streets.

The Council shall have the power to cause such of the streets and highways in said City as shall have been used for six years or more as public highways or streets, and which are not sufficiently described or have not been duly recorded to be ascertained, described and recorded in the office of the Commissioner of Public Works of said City, in the book of street record, and the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the Council, and recorded in the book of street records, in the office of the Commissioner of Public Works, by order of the Council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described. And the Commissioner of Public Works is hereby empowered and it is made his duty to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks and public grounds in said City, and when such grade is so established, a record thereof shall be made in said book of street records or other books to be provided for that purpose, and when the grade line of any street, highway, lane, alley or public ground has been so established and recorded, the same shall not be changed except by the recommendation of said Com-

Grade lines
to be
established.

missioner and the votes of four-fifths of the members of the Council, which change shall be recorded in the manner provided for recording the original grade line thereof. And no street shall be graded until the grade line thereof is so established. The Council shall have the power to cause common sewers, drains, vaults, arches and bridges, culverts, wells, pumps and reservoirs to be built in any part of said City, to cause the grading, raising, leveling, repairing, paving, repaving, repairing or covering with stone, brick, blocks, plank or other material, any street, avenue, lane, alley, highway, public ground, sidewalk or crosswalk of said City, but all such improvements shall be done by the Commissioner of Public Works as herein provided, but no such public improvements shall be made by paving in any way except upon a unanimous vote of all the Commissioners elect unless a majority of the property owners having property fronting on the place to be so improved shall have petitioned the Council to make such improvements, in which case a majority vote of the Council shall be sufficient to order the same.

Power of Council to construct sewers, pavements, etc.

How ordered.

Section 274. The Council may determine that the whole or any part of the expense, including cost of estimates, plans, surveys, assessments, and other expenses incidental thereto, of any public improvement shall be defrayed by an assessment on the land to be benefited thereby, except where the improvement is made by paving or repaving between the street car tracks or railroad tracks and between the double tracks, curves and switches, and the paving required to be done by the street car companies or railroad companies on the outside of their tracks, the widths provided for in their franchises, the cost of which shall be assessed against said street car companies or railroad companies as a personal tax, and be placed in the special tax roll, the same as when any other special improvement is made. And the Council shall either before or after the completion of such improvement, declare by resolution whether the whole or what portion of the cost of such improvement shall be assessed to said lands except that portion to be paid by said street car companies or railroad companies as above provided. Provided, however, that the assessment which may be levied upon any block or parcel of real estate, shall not exceed the benefit which it is especially deemed to have received by such improvement. When such improvement is completed, or as soon thereafter as may be convenient, the Commissioner of Public Works shall prepare a detailed statement of the cost of such improvement, showing the amount to be assessed upon the property benefited, as provided by the resolution ordering the said improvement, and the amount of cost for paving between the street car tracks, railroad tracks, double tracks, switches, curves and the distance, if any, outside of said tracks, as provided for by the ordinances of said City.

Council to determine proportion of assessment.

Paving between tracks.

Cost not to exceed the benefit.

Commissioner of Public Works to prepare statement of cost.

Council to
approve
statement.

Council to
fix taxing
district.

Assessor to
prepare
assessment
rolls.

Assessment
of railroad
companies.

Assessor's
certificate.

Section 275. The same shall be certified to the Council, and when such statement shall have been approved by the Council, as reported by the Commissioner of Public Works, the Council shall then fix a taxing district, showing the property benefited and the amount of said improvement, and the same shall be certified to the City Assessor, who shall proceed, without unnecessary delay, to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property in said district, specially benefited, in proportion to the benefit and advantage which each description of property is deemed to receive from the making of such improvement, subject to the limitation of actual benefit, as provided in the preceding section; and said City Assessor shall make out an assessment roll, and two copies, one to be filed with the Controller and one to be filed with the City Clerk, reciting in the heading thereof the description of the property assessed (except where the improvement is made by the City between the tracks, double tracks, curves and switches of the street car companies or railroad companies, and the space to be paved by said companies on the outside of their tracks, in which case the same and also the amount assessed against any railway company respecting bridges or viaducts, as provided for in the preceding section, shall be placed in the special assessment roll against said street car companies or railroad companies as a personal tax), the amount or amounts in dollars and cents assessed therein, and the names of the supposed owners thereof, when known, together with a diagram (which diagram shall be furnished by the City Engineer) showing the property assessed and the names of the supposed owners thereof, written upon each description of property or parcel of land so specially assessed: Provided, in all cases where the ownership thereof is unknown to the City Assessor, in lieu of the name of said owner, the words "non-resident" may be used; but no omission or misstatement of the owner's name shall invalidate the assessment thereon.

Section 276. The City Assessor shall certify upon said roll that he has made such assessment upon the property described, in accordance with the order of the Council relating thereto, and that said assessment contains a just and true assessment of the cost of such improvement (stating the sums thereof) and that the several amounts assessed against each description of property have been set down to the best of his judgment as said Assessor, according to the benefit and advantage which each description of property is by him deemed to receive from the making of said improvement and that each parcel thereof is benefited specially by such improvement to the amount of the assessment thereon; and that the amounts

assessed to the street car company or companies, or railroad companies, is the actual cost of the paving or repaving (as the case may be) between the tracks, double tracks, switches, curves and on the outside of the tracks of said street car or railroad company or companies.

Section 277. As soon as said roll is completed and certified to by the City Assessor, it shall be filed with the City Clerk, who shall number it as "Special Roll No.....for the year 19.... of the.....Taxing District," and shall also endorse the date when so filed thereon, and report the same to the Council without unnecessary delay. The rolls of the various classes of improvements shall be distinguished by a letter prefixed to the number of the roll as follows: For sidewalks, "A"; for sewers, "B"; for street improvements payable in installments, "C"; for street improvements payable in one year, "D", for private sewer connections, "E"; for private water connections, "F"; miscellaneous rolls, "G".

Roll to be
filed with
clerk.

Roll to be
lettered.

Section 278. Upon notice of the completion of such assessments and filing of any special assessment roll, the Council shall cause notice to be given to all persons interested therein; such notice of hearing may embrace and name all such rolls to be heard at the same time, reciting the name of said roll, by publishing same in the official newspaper published in said City for three consecutive issues of said paper, that the Council will at such time hear objections and appeals to said assessments. It shall not be necessary in such notice to recite the names of the persons interested.

Notice of
hearing of
assessments.

Section 279. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the Council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment; or the Council may ratify and confirm such assessment without any corrections or with such corrections therein as they may deem proper. And the Council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the Council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately.

Hearing of
objections.

Confirma-
tion of
rolls.

Section 280. Every assessment roll so ratified and confirmed shall be final and conclusive, and within five days after the confirmation thereof the controller shall deliver the same to the Treasurer. Upon delivery of such roll to said treasurer, the taxes therein specified shall become and be due and payable, and shall constitute a lien upon the property in said roll described; and the

Roll to be
delivered to
treasurer.

Taxes to
become a
lien upon
delivery.

- Payment.** Treasurer shall forthwith give public notice of the delivery thereof to him by publication four times in the official paper of the City. During the period of sixty days next after the receipt by the Treasurer of rolls for the various classes of improvements designated by the letter prefixed to the number of the roll, as follows: For sidewalks, "A"; for sewers, "B"; for street improvements payable in installments, "C"; for street improvements payable in one year, "D"; for private sewer connections, "E"; for private water connections, "F", for miscellaneous rolls, "G"; any person may pay to the Treasurer the amount of any taxes assessed on rolls "D", "E", "F" and "G", without interest, and after the expiration of sixty days by payment of the amount thereof together with interest at the rate of one-half (of one) per cent. per month, computed from the expiration of said sixty days to the date of payment. The Treasurer shall be charged with the amount of such roll at the time of its delivery to him, and on or before May 1, next ensuing, he shall make and file under oath with said Controller, a full and complete transcript of all parcels of real estate in said roll upon which taxes remain unpaid, together with the amount thereof, and shall, upon such return being made, receive proper credit therefor upon the books of the Controller. On or before the tenth day of May next following, the Controller shall certify to the Assessor the amount of such taxes, and a description of the premises assessed, and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the rate of one-half (of one) per cent. per month, on all sums so uncollected and unpaid computed from the expiration of sixty days hereinbefore specified, to the first day of August in the year in which the same shall be placed by the Assessor as herein provided, in the tax roll next thereafter to be made, in a column specifying the proper taxing district to which the same belongs, and such tax shall then be levied, collected and returned and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes.
- Return of rolls.**
- Assessor to spread unpaid assessments on city tax roll.**
- Owner of land to pay assessments.** Section 281. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expenses of any public improvement in said City.
- Landlord and tenant.** Section 282. Nothing herein contained shall impair, or in any way effect any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessment.
- Term "Improvement" defined.** Section 283. The term improvement, as used in this Article shall be held and construed to include not only those set out and recited in the first section of this title, but the ditching and grading of all public streets, highways, lanes and alleys, the construction of plank

roads, the laying of pavements of wood, stone, brick, asphalt, or other material, including the crosswalks, flagging, macadamizing, with broken or pounded stone, of the streets or roadways of said City, the draining or filling of all lowlands and lots, and the general betterment of all streets, highways, lanes, alleys, parks, public places and grounds within the said City.

Section 284. All proceedings of the Council under the provisions of this Article and Article XIV shall be matters of record in the proceedings of the Council, and shall not fail on account of any technical or clerical error made by any officer or official body of said City, nor because of any act not being done at the time or in the manner herein required, nor on account of the property having been assessed without the name of the owner, or in the name of any other person than the owner, or on account of the contract therefor having been let without a sufficient advertisement or any advertisement for bidders, or on account of any other irregularities, informality or omission, or want of any matter of form or substance, in any proceeding that does not prejudice the property rights of the person whose property is taxed, and unless the party complaining of such failure shall show affirmatively that he has been injured thereby; and all such proceedings shall be construed favorably by all Courts of this State, and they shall be presumed to be legal and valid until the contrary is affirmatively shown; and in case that any litigation may arise between the City and any person out of proceedings under this title, the Court shall require the complainants to furnish bonds with sufficient sureties to indemnify the City against any loss or damage that may accrue to it from such proceedings before granting process of injunction against the said corporation. And in any case of proceedings involving the validity of said taxes and assessments, the same shall be held valid and sustained for such amount thereof as shall be found to be legally or equitably chargeable against the person or property against which the same is assessed. If two or more parcels of land are assessed together erroneously, the Court before which such cause or proceeding is pending, shall, if practicable, ascertain the amount equitably chargeable against each, and sustain such tax or assessment against each parcel. And whenever necessary for the enforcement of such special assessment, it may be reassessed as provided in section 297 of this Charter.

Record of Proceedings.

Clerical errors not to vitiate.

Courts to construe favorably.

Section 285. The Council shall have power to require the owners or occupants of any lands in said City to build, repair, keep in repair, and rebuild, when necessary, all sidewalks in said City, and the Council may, by ordinance, prescribe the dimensions of all sidewalks to be built in said City, and of what material the same shall be constructed, repaired, or rebuilt, and in such ordinance may fix

Council may build and repair sidewalks.

the time within which the owner or occupant of any lands in front of which any sidewalk is to be built, repaired, or rebuilt, shall build the same and the Council may prescribe such penalty for violation of such ordinance as they may deem proper, not exceeding the amount limited by this act; and the Council shall also have the power to prescribe, by ordinance, the time and manner when property owners may pay for the construction and reconstruction of sidewalks, and prescribe the rate of interest to be paid on all unpaid amounts.

Work under
charge of
Commissioner of
Public
Works.

Assessment
of cost.

Owner to
be liable
for dam-
ages.

Section 286. The building, repairing and rebuilding of all sidewalks in said City shall be done under the direction of the Commissioner of Public Works of said City with the approval of the Council. If any person shall refuse or neglect to repair any sidewalk in front of his or her premises of such material and width and in the time provided by the ordinances of said City, the Commissioner of Public Works shall repair the same, and the cost and expense thereof shall be paid out of the highway fund of the proper taxing district of said City, and the cost of repairing sidewalk shall be assessed upon the land of such owner or occupant adjacent to such walk, in the same manner as provided for other public improvements. Whenever the Council shall, by resolution, direct the building or rebuilding of any sidewalk in said City, the work shall be done under the direction of the Commissioner of Public Works and such proportion of the cost of building or rebuilding of said walk as the Council shall by ordinance prescribe, shall be assessed upon the land of such owner or occupant, adjacent to such walk, in the same manner as provided for other public improvements, except that the cost of building or rebuilding such walk shall be placed on the next general assessment and tax roll, and may extend over a period of years. Nothing herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said City relating to sidewalks. If the owner or occupants of any lands in said City shall neglect or refuse to comply with any order of the Council concerning the repairing of any sidewalk in said City, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said City for all damages and costs recovered from said City by reason of such sidewalk being out of repair, and such damages and cost may be recovered by said City in any Court of competent jurisdiction, which cost of suit, and any judgment recovered against said City shall be conclusive evidence of the liability of such owner or occupant of said City. Provided, that such owner or occupant shall be notified of the pendency of any suit brought against the City to recover such damages, and requested to assist in the defense thereof.

Section 287. The Council of said City shall have power to compel the owners or occupants of any lands in said City, fronting on any street or streets in said City, to deepen or clean out the ditches and gutters at the sides of any and all streets in said City; and whenever the Council of said City shall determine that such ditches and gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the Commissioner of Light, Water and Sewers of said City to notify such owner or occupant of such lands to clean or deepen, or both clean and deepen such ditch or gutter, in such manner as said Commissioner of Light, Water and Sewers shall direct, within five days from the time of service of such notice, and in case any such owner or occupant shall refuse or neglect to comply with such notice the work shall be done by said Commissioner, and such costs and expenses shall be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements. No resolution ordering the building, repairing or rebuilding of sidewalks, in any street in said City shall be passed by the Council until the expiration of at least one week after such resolution shall have been ordered or introduced before said Council.

Cleaning of
ditches and
gutters.

Assessment
of costs.

Section 288. To meet the expense of improving streets in said City by paving, grading, graveling or otherwise in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the Council may subject to the provisions of the constitution, general laws of the State, and of this charter borrow such an amount of money as may be required in any one year for such purpose and issue bonds of said City therefor bearing interest, at the rate not exceeding six per cent. per annum payable semi-annually, which shall be chargeable to and paid by the proper taxing district. The Council may when any of the above improvements are made authorize that the bonds for making said improvements shall run for a period of not less than one nor more than ten years. And the amount of bonds that may be issued for such purpose shall be made payable in annual equal parts as ordered by the Council. The said bonds to be endorsed "Street Improvement Bonds of the Taxing District," and to be numbered and lettered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the City Treasurer, and by him placed to the credit of the "Street Improvement Fund" of the proper taxing district. All said bonds shall be paid at maturity.

Borrowing
in antici-
pation of
payment of
assessments.

Bonds.

Section 289. All the sections of this Article relative to ascertaining and assessing the cost of street improvements shall be applicable to the ascertainment of the cost of street improvements paid for by proceeds of street improvement bonds; sewers paid for by the proceeds of sewer bonds; sidewalks paid for by the proceeds of

Ascertain-
ment of
cost of
improve-
ments paid
for by bond
issues.

- Assessment rolls.** sidewalk bonds or otherwise, and the assessment of said cost upon the property benefited thereby, all of said rolls to be designated by the City Clerk as provided in Section 277 of this charter. Every assessment roll so ratified and confirmed shall be final and conclusive, and when any such assessment shall have been confirmed by the Council, the assessment roll shall be attested by the City Clerk, under seal, and it shall be deposited with the City Controller who shall deliver same to the City Treasurer as provided in Section 280 of this charter. Immediately upon receipt of such special assessment roll by the City Treasurer, he shall notify the owner of each lot, block or parcel of land assessed in said roll, that a special assessment roll for a certain improvement, or for certain work, has been filed in his office, describing the roll by its official number or letter, the character or kind of improvement, its location, and the amount assessed against the description of property whose owner is notified, that the whole or any part of said amount may be paid during the succeeding sixty days without interest or additional cost, and that if it is not paid within the time specified the current year's interest charged will be added to any assessment when paid. Such notice shall be given in writing and shall be advertised at least two times in the official newspaper of said City. The different installments of any special assessment roll may be paid at any time, payments, however, will be required on installments first due and all interest left off of all installments except for the year in which said special tax or taxes are paid on or before May 1st in each year.
- Notice to owners.**
- Payments.**
- Return of rolls.** The City Treasurer shall certify on each of said rolls the amount paid and amounts remaining unpaid against each lot, block or parcel of land, and shall deliver all of said rolls to the City Controller, and upon such returns being made, receive proper credit therefor on the books of the Controller. On or about the tenth day of May next following the Controller shall return said rolls to the Assessor who shall divide said unpaid assessment against each lot, block or parcel of land into such a number of equal parts as the Council shall determine, one of which parts together with the interest for one year, at a rate not exceeding six per cent. per annum upon all sums remaining unpaid, shall be placed in the annual tax roll in the proper column of the proper taxing district thereof, upon and opposite the description of property described in said assessment roll in each year thereafter, until the same is all assessed upon said annual tax roll, if not otherwise paid. The City Assessor shall upon application of any property owner who desires to have any special tax divided upon a piece or parcel of land by reason of sale of a part of said piece or parcel of land, after the special assessment was originally made, divide the tax according as, in his judgment the different pieces or parcels of land are benefited by said improvement and shall note same on special assessment roll and such decision shall be final and con-
- Assessor to spread assessments in tax roll.**
- Assessor to divide assessments.**

clusive, provided the assessment levied on all the separate piece and parcels of land shall not exceed the original assessment levied before the piece or parcel of land was divided. He shall also at the same time divide the city, school, state, county and general stone road taxes in proportion to the size of the property.

Section 290. On or before the first Monday of May in each year, the Council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor, from special assessments levied in the respective taxing districts, under the provision of Section 289 of this charter, to meet and pay the street improvement bonds of said City, and the annual interest thereon, theretofore issued for the benefit of the separate taxing districts of said City and maturing in the year following the first day of July then next ensuing, and shall with the approval of the Board of Estimates, cause the amounts so required to be raised in each taxing district respectively, to be certified to the Assessor of said City, to be by him assessed upon all property, real and personal thereof. Such amounts the assessor shall spread on the annual tax roll, in the street improvement bond columns thereof, upon the real and personal property of the proper taxing district of said City; and such taxes when so assessed by the Assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said City and for non-payment thereof, the premises may be sold in the same manner as for the non-payment of other taxes levied in said City, and when so collected shall be placed to the credit of the street improvement bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said street improvement bonds, and the principal of the said bonds, as they shall fall due, or repayment to the City of the moneys advanced to pay the same, and for investment, as provided for in this Charter and for no other purpose.

Estimates to meet improvement bonds.

Assessor to spread taxes.

Section 291. All moneys received for special assessment in advance of the year in which they fall due, shall be credited to the sewer bond and interest fund, street improvement bond and interest fund, sidewalk bond and interest fund, according to which fund they properly belong and all such moneys shall be used to retire the various bonds which were issued for the respective improvements, and it shall be the duty of the Mayor, Controller and City Clerk, from time to time, as the money in the above funds accumulate, to purchase the interest bearing bonds of the City of Saginaw with this money, and said Mayor, Controller and City Clerk are hereby authorized to purchase any part of any issue of such bonds at par, whenever the City of Saginaw has such bonds for sale, and there are such moneys in the

Investment of advance payments.

respective funds not otherwise provided for, and such bonds, so purchased, shall not then be included in the bonded indebtedness of the City.

Assessment
of non-
residents.

Section 292. The Council is hereby authorized to cause to be assessed upon the lands of non-residents of said City their just proportion of the expenses of cleaning and repairing streets and sidewalks and removing nuisances, and the said expenses shall be assessed in the same manner, and the amounts so assessed shall be collected in the same manner, and the same proceeding shall be had in case of non-payment of the same, as in relation to the assessments for public improvements in said City, except as the Council may otherwise determine or direct.

Sale of
personal
property
under levy.

Section 293. When the Treasurer shall have levied on personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same in the same manner and upon like notice, and make return of all money received therefrom, as is or may be required by the general laws of this state in the levy and sale of personal property for the non-payment of taxes by township treasurers.

Owner of
addition
allowed to
make
improve-
ment.

Section 294. The Council shall permit any person, who shall be the owner or agent of any tract, plat or addition within the limits of said City, to improve, grade, plank or pave any street lying within said tract, plat or addition, the cost of which, if improved by the order of the Council, could be assessed against said lands: Provided, all such work shall be done under the superintendence of the Commissioner of Public Works, and shall, in all respects, conform to the established plan and grade for streets in said City.

Re-assess-
ments.

Section 295. Whenever any special assessment for any public work, or improvement, shall, in the opinion of the Council, be deemed invalid, the Council may vacate and set aside the same; and whenever any special assessment shall be vacated or shall be held invalid by the judgment or decree of any court of competent jurisdiction, the Council may cause a new assessment to be made; such new assessment shall be made in the manner provided for making original assessments of like nature, and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the Assessor and Controller to apply such assessment (upon the reassessment) upon said lot or parcel, and to make a minute thereof upon the new assessment roll. All the provisions of this act making special assessments a charge against the person assessed, or a lien upon the lots and parcels of real estate embraced therein, and also those relating to

the collection and return of special assessments, shall, in like manner, apply to such re-assessment. No judgment or decree nor any act of the Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed, for such an amount of the assessment as may be equitably charged against the same or as by a regular mode of proceedings might have been lawfully assessed thereon. And no defect, irregularity or omission in the proceeding for making the improvement or doing public work, to pay for which special assessment is made, which occurred either before or after the letting of the contract therefor, shall affect the right of the City to reassess the same upon the property benefited: Provided, the improvement or public work has been actually done or the liability therefor incurred. The provision of this section and of section 284 of this Charter shall apply to special assessment heretofore made in said City and in the former Cities of Saginaw and East Saginaw as well as to those which shall hereafter be made.

Lien of city
not impaired.

Section 296. The Council shall have power, by ordinance, to sub-divide the City into streets or highway districts, and to provide for the raising and expenditure of a highway fund in each district separately, and to restrict the expenditure in the separate districts for highway purposes to the amount raised within the limits thereof.

Council may
divide city
into
highway
districts.

Section 297. The present two taxing districts of the City of Saginaw are hereby continued, to be denominated "The Eastern Taxing District" and "The Western Taxing District", the boundary between which shall be the center line of the Saginaw River, for the assessment of taxes, for the following purposes, viz.:

Taxing
districts
continued.

First, the construction, maintenance and repair of sewers and drains.

Second, the opening, extensions, grading, turnpiking, graveling, planking, macadamizing, paving or other improvements of streets, alleys and public spaces.

Third, the construction and repair of sidewalks, and the cleaning and deepening of street ditches.

Fourth, the maintaining of the existing water works system, situated in each taxing district and the extending of service, collection of rates and payment of existing debts, provided, however, that the expense for all such purposes shall be paid by the taxing district in which the improvement exists or is made, and so much of the cost thereof, as under the provisions of this charter, is or may be apportioned to the property benefited, shall be assessed exclusively upon property within the taxing district wherein the improvement is made.

Improve-
ment bonds
issued on
credit of
entire city.

Proceeds
kept in
separate
funds.

Each dis-
trict taxed
separately.

Consolidated
water
system.

Whenever, under the provisions of this Charter, bonds may be issued to provide for the payment of such improvement, the same shall be issued in the name of the City of Saginaw, and the faith and credit of the whole City shall be pledged for the prompt payment of both principal and interest to the holder. The Council shall, however, at the time of the passage of the resolution authorizing the issue of such bonds, expressly state the amount and the number of bonds separately which shall be issued to meet the cost of such improvements in the eastern district and in the western district, respectively, and when sold, the proceeds of such bonds shall be paid into the appropriate separate funds of the eastern district and western district respectively, and shall be used only in the district for which the same are raised; and each taxing district shall stand charged with and shall pay to the City of Saginaw for all improvements made within its boundaries, and the bonds issued therefor, and shall not as a taxing district be liable or pay for such improvements made in the other district, or the bonds issued therefor. To meet the cost of said special improvement hereinbefore specified, and to enable the City to pay the bonds issued therefor or any other indebtedness incurred on account thereof, taxes and assessments shall be assessed, levied and collected in the manner provided in this Charter, separately in said eastern taxing district and said western taxing district respectively, and when collected shall be paid into the separate fund thereof, and be used and applied by the City in the extinguishment of the bonded or other indebtedness incurred in the making of said improvement, within such district. If at the maturity of any bond issued by the City for such improvement, the separate special fund of the district to which it is chargeable shall be insufficient to pay the bond, the City shall advance to the special fund the additional amount required to meet the bond in full, and interest on such advance shall be chargeable to the special fund and credited to the City, at the rate of six per. cent. per annum, until the moneys so advanced are fully repaid, and the City shall be, and is, authorized from year to year to assess against and levy on all the taxable property within the proper taxing district, taxes to an amount sufficient to repay all such advances with the interest thereon: Provided, however, that the Council may upon the recommendation of the Commissioner of Light, Water and Sewers, connect the present water works systems of the City and build, operate and maintain a new pumping station to furnish water to the entire City. The cost of building and equipping such pumping station and connecting each distributing piping system shall be borne by the City at large; but the cost of operating and maintaining said pumping station shall be borne by the eastern and western taxing district respectively in the ratio of the water metered to each district. Each of the said districts shall be credited with the amount

of the revenue now existing and hereafter derived therein, to be applied upon the water indebtedness of such district or for the benefit of the water system as directed by the Council upon the recommendation of the Commissioner of Light, Water and Sewers

Section 298. All the present indebtedness, bonded or otherwise, of the former City of East Saginaw, as such indebtedness existed at the time of the consolidation of the said former Cities of East Saginaw and Saginaw, including any and all refunding bonds heretofore issued by the present City for the purpose of paying such indebtedness or of taking up and retiring bonds issued by the said City of East Saginaw, shall continue to be exclusively charged upon and paid by the eastern taxing district, and all such present indebtedness of the former City of Saginaw, as it existed prior to the first Monday of March, 1890, including any and all refunding bonds issued by the present City to pay such indebtedness or take up and retire bonds issued by the said former City of Saginaw, shall continue to be exclusively charged upon and paid by the western taxing district.

Indebtedness of city before consolidation.

The payments of such indebtedness shall be provided for by taxes levied in the respective taxing districts, chargeable therefor at such times and in such amounts as the Council may by resolution direct; and all taxes or assessments collected in such respective taxing districts shall be placed to the credit thereof, in the proper fund of each district, and be used only for the purpose of paying and retiring the separate indebtedness thereof. The Council shall have power in its discretion, to reissue bonds to retire all such indebtedness, and the faith and credit of the whole City shall be pledged for the prompt payment of both principal and interest to the holders, and when issued such bonds shall constitute a charge only on the district to pay the indebtedness for which the same were so issued.

Council may re-issue bonds.

Section 299. To meet the expense of the construction, repair and maintenance of sewers and drains in the eastern and western taxing districts of said City, in anticipation of the collection of assessments and taxes to defray the costs thereof, the Council may by resolution, with the approval of the Board of Estimates, declare the amounts necessary to be raised for sewers and drains in each taxing district separately and subject to the provisions of the constitution, general laws of the state and of this Charter, borrow such an amount of money as may be required in any one year for such purpose, and issue bonds of said City therefor bearing interest at the rate not exceeding six per cent. per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district. The Council may, whenever any such amount is to be raised, authorize that the bonds shall

Borrowing in anticipation of payment of sewer assessments.

Sewer bonds. run for a period of not less than one nor more than ten years, and the amount of bonds that may issue for such purpose shall be made payable in annual equal parts as ordered by the Council, the said bonds to be endorsed "Sewer Bonds of the.....taxing district" and to be numbered and lettered consecutively. Said bonds shall not be sold for less than par and the proceeds of the same shall be paid to the City Treasurer and by him placed to the credit of the separate "Sewer Fund" of the proper taxing district, and the respective districts shall be separately taxed and pay for the costs of such sewers within their respective limits, and the said bonds issued therefor and for all advances made by the City for interest or principal thereof, all in manner and form as provided in Section 297 of this Charter.

Lateral sewer assessments. Section 300. The assessment for the cost of the construction of lateral sewers shall be made by the City Assessor, and collected by the City Treasurer, in the manner herein provided for making and collecting special assessments for street improvements.

Sewer assessments. Section 301. The Council shall have the power by resolution to determine either before or after construction, that the whole or any part of the cost of any lateral sewer, and that the whole or any part of that proportion of the cost of any main sewer, which in the opinion of the Council shall equal the cost of a twelve-inch lateral sewer, shall be assessed upon the property specially benefited thereby in proportion to the benefit derived by such property from the construction of said sewer, and to direct such special assessment to be made by the City Assessor.

Council to fix assessment district. Section 302. When the Council shall have made this determination as to the proportion of the cost of any main or lateral sewer, which shall be specially assessed upon the property benefited, they shall fix an assessing district and their action in respect thereto shall be duly certified to the City Assessor, who shall, as soon as may be thereafter, proceed to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property specially benefited, in proportion to the benefit and advantage which each description of property is by him deemed to receive from the construction of said sewer. He shall cause diagrams to be made, which plans shall be furnished by the City Engineer, showing the property assessed, and the names of the owners thereof, when known, and when such assessment is made the City Assessor shall submit the same to the Council. Upon the submission as aforesaid, the Clerk of the City shall cause notice of the same to be published in the official newspaper of the City, for two successive times, that the Council will, on such a day as they shall appoint, proceed to hear any appeals from the said assessment.

Assessor to assess cost of sewers.

Section 303. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the Council shall hear the allegations and proofs of all persons who may complain of such assessment, and may recify and amend the said assessment, in whole or in part, or may set the same aside and direct a new assessment; or the Council may ratify and confirm such assessment without any corrections or with such corrections therein as they may think proper. And the Council shall confirm and approve all or any number of said rolls upon a single roll call, unless some member of the Council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately. When any such assessment for the construction of sewers shall have been confirmed by the Council, the same manner of procedure thereafter shall be adopted and followed, as hereinbefore in Section 280 of this Charter provided.

Hearing of objections to assessments.

Confirmation of rolls.

Section 304. On or before the first Monday in May in each year the Council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor from the special assessment levied in the respective taxing districts under the provisions of Sections 302 and 303 of this Charter, to meet and pay the sewer bonds of said City, and the annual interest thereon theretofore issued for the benefit of the respective taxing districts of said City, and maturing in the year following the first day of July, then next ensuing, and shall, upon the approval thereof by the Board of Estimates, cause the amount so required to be raised in each taxing district, respectively, to be certified to the Assessor of said City, to be by him assessed upon all the property, real and personal, thereof. Such amounts the Assessor shall spread on the annual tax roll, in the sewer bond and interest fund column thereof, upon the real and personal property, of the proper taxing district of the City, and such taxes when so assessed by the Assessor, shall become a lien upon the premises assessed, the same as any other City taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of the City, and for non-payment thereof the premises may be sold in the same manner as for other taxes levied in said City, and when so collected shall be placed to the credit of the sewer bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said sewer bonds, and the principal of said bonds, as they shall fall due, or repayment to the City of moneys advanced to pay the same, or for investment as provided for in this' Charter and for no other purpose.

Estimates to meet sewer bonds.

Assessor to spread taxes.

Section 305. After payment into the treasury of any money received for assessment or taxes under the sewerage system, the City Treasurer shall, under the direction of the Council, invest such

Investment of advance payments.

sums not required to pay expenditures, interest or bonds during the present year, in bonds of the United States, or of this state, or purchase therewith unmatured sewer bonds, or other bonds of said City, as may be most expedient or beneficial to the City.

Right of
way for
sewer.

Section 306. In case said Council and Commissioner of Light, Water and Sewers shall, in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer through any private property, and such sewer or drain cannot be constructed so as to properly drain any portion of said City without carrying same through such private property, not opened as public, it shall be lawful for said Commissioner to present a petition to the Council for appropriating said property, and said Council shall proceed to open the same, as in this Charter provided.

Private
sewer
connections.

Section 307. The said Council may prescribe regulations for the use of said sewers, and may license persons to open the same. And whenever the Council shall order any portion of any street to be paved, repaved or otherwise improved, and the owner and occupant of any block, parcel or subdivision of land, fronting thereon, shall upon notice in accordance with the ordinance of said City, fail to connect said premises with the public sewer in said street as now or hereafter required, said Commissioner of Light, Water and Sewers may cause said connection to be made, and the pipe to be carried to the curb line of said street, and the labor and material furnished therefor may be charged against said property, and shall be assessed against the same in the same manner and with the same force and effect as is now or may hereafter be provided by the provisions of this Charter or the ordinances of said City, relating to the making of special assessments.

ARTICLE XXIII.

Board of Review and General Taxation.

Board of
Review
appointment.

Section 308. When this Charter shall take effect, the term of office of each member of the present board of review of said City shall expire and the appointees then constituting said board shall cease to be members thereof, unless thereafter re-appointed, as provided in this Charter. At the first regular meeting of the Council of the City of Saginaw, after this Charter takes effect, there shall be created and constituted a new board of review in and for said City, composed of five members, who shall be appointed by the Council of said City, and who shall be electors and taxpayers of said City, no more than three of whom shall reside in any one taxing district, and who shall hold their office until the first regular meeting of the Council of said City in January, nineteen hundred fourteen, and until their successors have been appointed and

Qualifica-
tions.

Term.

have qualified. At the first regular meeting of the Council in January, nineteen hundred fourteen, their successors in office shall likewise be appointed by the Council of the City of Saginaw, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and annually thereafter the Council shall appoint one member of said board for the term of five years.

Section 309. The first elector appointed after this Charter shall take effect shall be the president of the board of review, for the year nineteen hundred fourteen, and until his successor is appointed, and thereafter the member of said board who shall be chosen by its members shall be the president of the board, and the Assessor shall act as Clerk of said board. The Clerk of the City shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of the assessment roll, by publication thereof in the official newspaper of the City, and by posting printed copies of the same in at least twenty public places in each ward of the City at least ten days prior to the time fixed for the commencement of its session. Said board shall thereupon proceed to fully review the annual assessment of the taxable property, real and personal, of said City, made by the Assessor, and by him to be submitted to said board. The board shall have power, and it shall be their duty to so alter, amend and correct said assessment of persons and property on said roll as to equalize the same. They shall have the power to add to said assessment roll any person or property which may have been omitted therefrom, and to strike from said roll any property or person not subject to taxation: Provided, That no assessment shall be increased, nor person or property added to said roll, except upon notice to the person to be affected thereby, served in the case of a resident of the City, personally, or by leaving the same at his usual place of abode, twenty-four hours before any action is taken by the board in respect to such assessment. And in the case of a non resident by one publication in any daily newspaper published in said City. Said board shall keep a record of their proceedings, and no assessment shall be made or changed except by a majority vote of said board, taken by ayes and nays, and entered at large upon the record.

President.

Assessor to act as clerk.
Notice of meetings.

Notice of increase.

Record of proceedings.

Section 310. The said board shall continue in session from day to day, Sundays excepted, from and including the last Monday in April of each year to and including the second Monday in May, from nine o'clock in the forenoon to twelve o'clock noon, at the office of the City Assessor, when and where any person desiring to do so can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed.

Time of meeting.

Review of assessments. The board shall decide the same, and its decision shall be final, unless the person affected thereby shall, within forty-eight hours after such decision, make and file with the City Clerk his appeal therefrom to the Council, in writing, stating specifically the grounds of appeal.

Appeals.

Examination of property. Section 311. It shall be the duty of said board, in order to familiarize themselves fully with the methods pursued in the making of said assessment roll, and with the valuation of all the respective lots and parcels of land embraced therein, to personally examine, as far as practicable, all the property described in said roll, with the value of which they are not already acquainted and to this end the afternoon of each day, while the board shall remain in session, shall be spent in the examination of property and the detail work of correcting and equalizing the assessments in said roll, and may appoint committees from their own members, for the purpose of examining property described in such roll.

Certificate of Board of Review. Section 312. When the board shall have completed their review of said assessment roll, a majority of said board shall endorse upon each book thereof and sign a statement to the effect that the same is the assessment roll for the ward for which it is made, as approved by the board of review. Said assessment roll so approved and certified shall thereupon be delivered to the Assessor of said City. And the Assessor shall, on the third Monday in May, submit the said assessment roll so corrected and certified to the Council of said City; and the Council shall at the same time, or at an adjourned session, proceed to consider special appeals, if any, taken from the action of the board of assessment and review, and decide the same in a summary manner, correcting any errors that they may discover in the assessment, and on or before the fourth Monday in May, fully and finally confirm said assessment roll, and thereupon cause it, with the record of their action thereon, to be returned to the City Assessor. The City Assessor shall thereupon proceed to ratably assess thereon, in dollars and cents, the amount of all taxes, and assessments authorized to be assessed and collected in said City to each person named or lot described upon said assessment roll, showing in separate column the City taxes, school taxes, and assessments, assessed to each person or lot, and when said roll has been completed, footed and balanced, the Assessor shall, on or before the last Monday in June, make a copy of said assessment roll as completed. The same to be divided into separate books, one for each ward, which shall be known as the City tax roll, and the City Assessor shall deliver the said tax roll to the Controller, who shall make entry of the same and of all taxes assessed thereon on the books of said office, and the said

Assessor to submit rolls to council.

Hearing of appeals.

Confirmation.

Assessor to spread taxes.

Assessor to copy rolls.

Controller shall, on or before the first Monday in July, deposit said tax roll with the City Treasurer and take his receipt therefor and charge him therewith.

Controller to deposit rolls with Treasurer.

Section 313. Before the Controller delivers said tax roll to the Treasurer, a warrant shall be issued and annexed to each of said tax rolls, signed by the Controller under the corporate seal of said City, directed to the Treasurer, commanding and authorizing him to collect from the persons named in each of said tax rolls the taxes and assessments therein set forth, due from such person and unpaid on the first Monday in November next, together with interest at the rate of (one-half of) one per cent. per month, from and after the first day of the preceding August, for the benefit of the said City, together with such collection fee as the Council may by resolution or ordinance prescribe, not exceeding one-half of one per cent., and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the County of Saginaw, which warrant shall be returnable on the first day of March next ensuing: Provided, That if at any time after the first day of July, and before the first day of November next ensuing, the City Treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until the first Monday in November, he may proceed to enforce its collection at any time, by distress and sale of the property of the person against whom such tax is assessed, or he may bring suit for collection of such tax, and if compelled to seize property or bring suit, he may add to such tax two and one-half per cent. for collection fees.

Controller's warrant.

Interest after August first.

Collection fee.

Collection of personal tax.

Section 314. Upon the receipt of the tax roll by the Treasurer as hereinbefore provided, the taxes thereon shall become and be due and payable, and the Treasurer shall forthwith, upon receipt of the said tax roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said City, and by posting the same in at least six public places in each ward of said City, that the general City tax roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of (one-half of one) per cent. upon all unpaid taxes will be made thereto on that day, and a like addition of one-half of (one per cent.) will be made for each month thereafter, until the first day of March next following; and that the payment of all taxes remaining unpaid on the first Monday in November, will be enforced by levy and sale of any personal property, which may be found in said County of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be sufficient demand for the payment of all taxes

When taxes are due.

Notice.

Payment,
how
recorded.

upon said roll. Upon the receipt of any tax, the Treasurer shall mark the same paid upon the proper roll, adding after the word "paid" the day and month when paid, but it shall not be necessary in the receipt for the taxes, unless demanded, to state all the several taxes in detail, but it shall be sufficient to state the total thereof, and (one-half of one) per cent. of any total represented by the several taxes upon the roll, with interest and charges, if any.

Power of
Treasurer.

Section 315. By virtue of the warrant by this Charter authorized to be issued by the Controller, the City Treasurer shall have power, and it shall be his duty to diligently search for and levy upon the personal property of persons from whom such taxes may be due, wherever the same may be found within the limits of Saginaw County, and he shall have the same powers in respect to the seizures and sale of property and all other proceedings, to enforce the collection of the taxes upon his roll as are now, or may at any time hereafter, be conferred upon township treasurers by the general laws of the state.

Assessment
or tax when
a lien.

Section 316. Every assessment or tax levied or imposed by the authority of the Council, or of this Charter, except when otherwise provided, shall constitute a charge against the person to whom assessed, from the date of the delivery of the tax roll to the City Treasurer, and shall, together with all interest and charges, become and remain, until paid a lien upon the land and tenements against which the same is assessed, from the date of such delivery, and all personal taxes so levied, or imposed, shall also be a lien on all personal property of such person so assessed, from and after the delivery of said tax roll to said City Treasurer, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien, on such personal property, executed or made thereafter, except when such property is actually sold in the regular course of trade. All proceedings for the levy and assessment of said taxes shall be presumed to be regular and valid. All provisions of law respecting the return and sale of property for the non-payment of taxes for state, county and township purposes shall apply to the return and sale of property for the non-payment of such City taxes, including all taxes carried into said City tax roll from any special assessment roll, except as herein otherwise provided. The County Treasurer of Saginaw County shall, on demand and as fast as the same are received, pay over to said City, the full amount of all City taxes returned delinquent for non-payment, received by such County Treasurer, together with the interest and all collection fee thereon, and he shall also, as soon as the same are received by the county, pay over unto said City the net proceeds of the sale of all property so returned delinquent for the non-payment of City taxes of said City, or of the former Cities of Saginaw and East Saginaw.

State laws
to govern
returns and
sale.

Section 317. The Controller of said City is hereby authorized by proper deed of release, to sell, assign and transfer to any person or persons who shall pay the City Treasurer the amount for which the same was sold, together with interest thereon, all the claims which the City of Saginaw or East Saginaw have acquired in and to any lands heretofore bid in for either of said cities under the provisions of the several charters thereof, or any laws of this state, and which have not been redeemed by the owner or other persons interested therein, and all proceeds of such sale shall be credited by the Treasurer to the proper fund of the taxing district wherein such lands are situated.

Sale of tax
lands of
Saginaw and
East
Saginaw.

Section 318. The Controller shall also have the authority and it shall be his duty, to execute and deliver to any person, his heirs or assigns, on the presentation of the proper certificate, a deed of conveyance of any lot or parcel of land described in said certificate, which shall heretofore have been bid off by said person at any sale for delinquent taxes held by the Village of South Saginaw, and such deed or conveyance shall have the same force and effect as it would have had if executed by the proper officers of said village.

Sale of tax
lands of
South
Saginaw.

Section 319. Whenever any general tax, either state county or city, shall be held invalid by any court of competent jurisdiction, it shall be the duty of the City Assessor, when notified of said fact by the Council, to reassess the same in the assessment roll, if a City tax; and if a state or county tax, then in the state and county assessment roll. Said reassessment shall be made in the same manner as original assessments are made, except that the reassessment so made shall be kept separate from the general assessment, and shall be marked "Reassessed", in said assessment and tax roll. If a personal tax, it shall be assessed as personal; and if real estate, then it shall be reassessed to the real estate upon which the original assessment was made; and if said reassessment is made, the lien shall continue upon said property the same as if said tax had not been set aside.

Re-assess-
ment.

Section 320. No real or personal property which shall be exempt from taxation by the general laws of this state, nor any public square, park or other public grounds or buildings, shall be assessed for the ordinary city, state and county taxes.

Exempted
property.

Section 321. The Council shall possess the exclusive power to appropriate moneys and authorize the payment of claims and amounts chargeable against said corporation; but no unliquidated amount or claim shall be allowed or received for audit by the Council or Controller, unless it be accompanied by the affidavit of the person rendering it, or some person acquainted with the facts, to the effect that he verily believes that the services or property

Council to
authorize
payment of
claims.

Affidavit of
claimant.

therein charged have been actually performed or delivered to the City; that the sums charged therefor are reasonable and just; and that, to the best of his knowledge and belief, no set-off exists nor payment has been made on account thereof, except such as are included or referred to in such account or claim. It shall be sufficient bar or answer to any action or proceeding in any court for the collection of any demand or claim against said City, that it has never been presented to the Controller or Council for audit and allowance; or if so presented, was rejected for want of such affidavit or that the action or proceeding was brought before the Council had a reasonable time to investigate and pass upon it. All amounts due upon contracts shall be audited according to the terms thereof, without unreasonable delay, but on the final settlement thereon, the contractor may be required to make the affidavit herein provided for, as in the case of other accounts.

ARTICLE XXIV.

Taxes, Funds, Revenues and Expenditures.

Council
empowered
to levy
taxes
and control
resources of
city.

Section 322. The resources and moneys of the City shall be controlled by the Council as herein provided; and the said Council is hereby vested with the power to order assessments, direct the levying of taxes, and provide for the collection of the same, under the provisions and the restrictions of this charter contained; and all assessments, taxes and revenues of said City shall be paid into and form part of one of the following named funds, and shall be appropriated as follows, viz:

General
Fund.

First—General Fund, to defray the expenses of the City of Saginaw, for the payment of which, out of some other fund, no provision is herein or otherwise made.

Highway
Fund.

Second—Highway Fund, to defray the expenses of repairing paved, graded, planked and improved streets, and for the construction and repair of crosswalks, bridges, drains, culverts, the cleaning of streets, sidewalks, altering and repairing and cleaning sewers, drains, public places and such other general highway purposes as the Council may direct.

Fire
Department
Fund.

Third—Fire Department Fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the firemen of the City, and all other expenses incident and necessary to the maintenance of the Fire Department of said City.

Police
Department
Fund.

Fourth—Police Department Fund, to defray the expenses of maintaining the Police Department.

Lighting
Fund.

Fifth—Lighting Fund, to defray the expenses of operating, maintaining and extending the lighting works of said City.

Sixth—Poor Department Fund, to defray the expenses of providing for and taking care of the poor of the City. Poor Department Fund.

Seventh—Health Department Fund, to defray all expenses in connection with the Health Department of the City. Health Department Fund.

Eighth—Park and Cemetery Fund, for the purpose of defraying all expenses necessary and incident to the Park and Cemetery Department. Park and Cemetery Fund.

Ninth—Sewer Fund, to defray the expenses of constructing the public sewers of the City. Sewer Fund.

Tenth—Sewer Bond and Interest Fund, to redeem and pay the sewer bonded indebtedness of said City, and the interest thereon. Sewer Bond and Interest Fund.

Eleventh—Street Improvement Fund, to be assessed, levied and collected as herein provided. Street Improvement Fund.

Twelfth—Street Improvement Bond and Interest Fund, to pay all bonds, with interest thereon, issued pursuant to Section 289 of this Charter. Street Improvement Bond and Interest Fund.

Thirteenth—Sidewalk Fund, to defray the cost and expense of building sidewalks and crosswalks upon the public streets or highways within the City. Sidewalk Fund.

Fourteenth—Sidewalk Bond and Interest Fund, to redeem and pay the sidewalk bonded indebtedness of said City and the interest thereon. Sidewalk Bond and Interest Fund.

Fifteenth—A Water Fund to meet the cost of the maintenance, improvement and extension of the present systems. Water Fund.

Sixteenth—A Water Sinking Fund to meet the bonded indebtedness of the present water systems. Water Sinking Fund.

Seventeenth—Sinking Fund, to pay and discharge the principal and interest of the bonded indebtedness of the City of every description, provision for the payment whereof is not otherwise made. To this fund shall be credited and paid at the end of each fiscal year all interest and penalties received on delinquent taxes and assessments. Sinking Fund.

Eighteenth—A Contingent Fund, for the purpose of defraying unforeseen expenses unprovided for in the other funds, and into which shall be paid all revenue of the City, the disposition of which is not herein specifically provided for. Contingent Fund.

Nineteenth—Such other funds as may in this charter or any general law be provided for and not covered and cared for by any of the foregoing sixteen subdivisions, or as the Council may constitute for special purposes, not inconsistent with the provisions of this charter not to be taken from any of the funds above provided for, except the General or Contingent Fund. Miscellaneous Fund.

Moneys not
to be
transferred.

Where any of the said several funds hereinbefore mentioned belong to the Eastern or Western Taxing District as in this charter provided, they shall be so kept and designated, and no moneys shall ever be transferred from one fund to another or used for any but the purpose for which it was appropriated. Provided, that transfers may be made by the Council from the Contingent Fund to any other fund when necessary.

Council to
levy tax

Section 323. For the purpose of defraying the ordinary expenses and liabilities incurred by said City, and paying the same, the Council may, with the approval of the Board of Estimates as in this Charter hereafter provided, raise annually, by tax levied upon the real and personal property within the said City such sums as they may deem necessary for the several funds hereinbefore specified, not exceeding two per centum of the assessed value of all real and personal property in the City, according to the valuation thereof taken from the assessment roll of the year preceding the levying of such tax.

Limit of
tax.

Council's
estimates.

Section 324. The Council, after revising, altering and approving the estimate submitted to it by the several commissioners of the several departments as provided by Section 327, shall on or before the first Monday in May, transmit the same, through the Controller, together with an estimate, of any other taxes approved by it, to be raised for the ensuing year for the approval of the Board of Estimates as provided in this Charter, and all propositions and resolutions for the borrowing of any money on the credit of the City, or issuing any bonds shall also in like manner be submitted to the Board of Estimates, except as herein otherwise provided. It shall be the duty of the Council, on or before the third Monday in May of each year, to determine by resolution the amount necessary to be raised by tax for the City purposes within said City for such year, which amount shall not for any purpose, except as in this Charter otherwise provided, exceed the amount theretofore approved by the Board of Estimates, which in turn shall not exceed the rate per cent. as mentioned in the preceding section; and the Council shall also at the same time determine and enter upon a record of its proceedings, the proportion on a percentage basis which each of the City Funds, except School Funds, shall bear to the total of such tax for all City purposes, except school purposes, and when any such City tax is collected as provided in this Charter, the same shall be apportioned to the several funds in accordance with such determination as herein above provided, and it shall be the duty of the City Clerk to certify the amount to be raised to the Assessor, who shall assess the sum so certified and such other taxes as may be required by law upon the taxable property of said City.

Resolution
determining
amount of
tax.

Assessor to
assess tax.

Section 325. The assessment of the property and persons, for the purpose of the City taxation shall, except when otherwise provided, be made in the same manner as is now, or may at any time hereafter be required by the general tax laws of this State. The Assessor may divide the assessment roll into separate books, one for each Ward in said City, which books shall constitute for all purposes the assessment roll of said City, assessing real estate in the Ward in which the same or any part thereof, may be situated, and personal property in any Ward of said City in the proper taxing district. Shares in banks or other corporations may be assessed in the Ward in which the business of such bank or other corporation is conducted. The Assessor shall prepare for said assessment roll a complete index, showing in alphabetical order, the names of all persons therein assessed for personal estate, with reference to the page and book where the assessment may be found. He shall complete said roll on or before the last Monday of April, and submit the same at that time for the action of the Board of Review thereon.

Manner of assessment.

Bank shares.

Index of personal assessments.

It shall be the duty of the Assessor, annually, to assess all the property in said City, liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying taxes lawfully imposed thereon and who shall, for the purpose of making such assessment, have all the powers and perform all the duties of Supervisors of Townships in this State, subject to the limitations contained in Article XXII. It shall be the duty of the Assessor to make a copy of the annual assessment roll, as finally confirmed, upon which he shall ratably assess the county and state taxes as provided by the general laws of this State. When said roll shall be completed, footed and balanced, the Assessor shall deliver the same to the Controller who shall annex thereto a warrant directed to the Treasurer commanding the collection of the taxes thereon assessed, and the returns to be made to the County Treasurer, in like manner as the same is or may by law be required in warrants of Township Treasurers for the collection of the taxes in the Townships of this State. The Assessor shall each year ratably assess in dollars and cents, the amount of state and county tax, the same to be placed in the city assessment roll, as confirmed by the Board of Review, in columns separate from the city tax, one column to be marked state and the other county tax; the same to be assessed as provided by the general laws of the State of Michigan, except when changed by the Charter of the City of Saginaw. On the first Monday of November the Treasurer of the City of Saginaw shall deliver to the City Assessor the city tax roll, and the City Assessor shall spread upon the city tax roll a copy of said assessment roll so far as it pertains to the state and county tax, the same to be placed in columns separate from the city tax, and the other county tax. When the same is completed, footed and balanced, the Assessor shall attach his

Assessor to assess property.

State and County taxes.

City tax roll.

Controller's
warrant.

Deputy
Assessor.

Returns to
County
Treasurer.

Interest,
collection
fees, etc.

certificate to each of said books, certifying that the same is the state and county tax roll for the ward for which it was made. The Assessor shall, on or before the third Monday in November, deliver said state and county tax roll to the City Controller, who shall make entry of the same and of the totals of all taxes assessed thereon in reference to the state and county tax, on the books kept in his said office. And the said Controller shall, on or before the first Monday in December, deposit said state and county tax roll with the City Treasurer, and take his receipt therefor and charge him therewith. Before the Controller delivers said state and county tax roll to the City Treasurer a warrant shall be issued and annexed to each of said books, signed by the Controller, under the corporate seal of said City, directed to the said Treasurer, commanding and authorizing him to collect from the persons named in each of said books, the state and county taxes and assessments therein set forth due from such persons; and the collection of said taxes and the return to the County Treasurer shall be in the same manner as taxes collected in the townships under the general laws of the State of Michigan. In case of disqualification, inability or absence from the City of the Assessor, or vacancy in the office of Assessor, the Deputy Assessor shall perform all the duties of the Assessor, and in case the office of Assessor shall become vacant from any cause, the Deputy Assessor shall act as Assessor until such vacancy shall be filled. The Assessor and his deputy shall each have power to administer oaths and affirmations whenever necessary to the proper discharge of the duties of the office. All assessment rolls, shall be kept in the Assessor's office, and it shall be the duty of the Assessor to keep a list and record of all real estate owned or controlled by the City, and said record shall be properly indexed.

The City Treasurer shall collect all the state and county taxes assessed and imposed upon the real and personal property of said City, and the warrant of the Controller of said City shall confer full power and authority upon said Treasurer to collect by levy and sale all the taxes set forth in said state and county tax roll, so placed in his hands, the same as warrants made by the Supervisors of Townships under the laws of this State, and such Treasurer shall give receipts for all such taxes collected by him, and mark the same paid upon the proper rolls, and shall make due returns of all such rolls and the uncollected taxes thereon as required by the warrant of the Controller, the provisions of this Charter and the laws of this State, to the County Treasurer of the County of Saginaw; and the Deputy Treasurer shall have all the power and authority of the City Treasurer so far as relates to the collection of such taxes, subject to the control of the Treasurer. For the collection of all state and county taxes, the City Treasurer shall be entitled to add to all such taxes collected by him, the same interest, collection fees and charges as

are now or may hereafter be provided by the general tax laws of the State, for interest, collection fees and charges on township tax rolls when collected by Township Treasurers of this State; provided, however, that all such collection fees and charges which are now or may hereafter be by the general tax laws of the State, payable to the Township Treasurers to his own use, shall, when collected by said City Treasurer be paid by him into the Sinking Fund of said City.

ARTICLE XXV.

Board of Estimates.

Section 326. When this Charter shall take effect the term of office of each member of the present Board of Estimates of the City, shall expire, and the appointees then constituting said Board shall cease to be members thereof unless thereafter reappointed as provided in this Charter. Appointment.

At the first regular meeting of the Council of the City of Saginaw after this Charter takes effect, or as soon thereafter as practicable and convenient, there shall be created and constituted a new Board of Estimates in and for said City, composed of five members, who shall be appointed by the Council of said City, and who shall be electors and taxpayers of said City, no more than three of whom shall reside in any one taxing district, and who shall hold their office until the first regular meeting of the Council of said City, in January, 1914, or until their successors have been appointed and have qualified. Qualifications.
Term.

At the first regular meeting of the Council in January, 1914, their successors in office shall likewise be appointed by the Council of the City of Saginaw, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, and annually thereafter the Council shall appoint one member of said Board for the term of five years. The members appointed under this Charter shall within ten days after their appointment, or such further time as the Council may fix, meet and organize such Board of Estimates, by election of one of its members as president. If he is absent or incapacitated from performing his duties, the Board shall appoint a president pro tempore. The City Clerk shall keep a record of its proceedings. The meetings of said Board shall be held in a suitable room in the City Hall, to be provided by the Council. If no provision is made they shall hold their meetings in the Council Chamber. Said Board shall meet annually on the first Monday in May at 10 o'clock in the forenoon, and other meetings shall be held on call of the president or on written notice of a majority of the members of said Board, and delivered to the Clerk. The Board may adjourn from time to time, and in case no quorum shall be present at the appointed Appointment.
Term.
President.
City Clerk.
Meetings.

Board may
call for
information.

time of meeting, those present shall adjourn such meeting to some future time, and from time to time until the business referred to it by the Council is disposed of, and it shall not be necessary, after the Council has referred to the Board of Estimates any resolution or proceedings which, under the Charter is required to be referred to said Board, to again call a meeting of said Board of Estimates, but it shall dispose of such matters without further call from the Council. The Board shall have the right to call upon the Council, or upon any officers of the corporation, for any information which it may require, or for further reports for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such Board. And such board or officer shall furnish the same as soon as possible after such request. It shall also have the right to inspect the official books and papers of said officers or boards.

Estimates of
Commissioners.

Estimates
to
Controller.

Section 327. It shall be the duty of the commissioners of each of the five departments to prepare on or before the last Monday in January in each year, and to submit to the Council an estimate of the amount of money which in the opinion of the said several commissioners will be required to meet the expenses of their respective departments for the ensuing fiscal year, and the Council shall annually at their first regular meeting in the month of February, or as soon thereafter as may be, and after revising, altering and approving the estimates submitted to it by the said several commissioners of the said several departments, and on or before the second Monday in April, transmit the same together with the estimate of any other taxes approved by it to be raised for the ensuing year, to the Controller of the City, who shall arrange, compile and tabulate the same, and shall also on or before the first Monday in May transmit the same to the Board of Estimates for its approval, and all propositions, and resolutions of the Council for the borrowing of any money on the credit of the City or issuing any bonds, shall also in like manner be submitted to the Board of Estimates, except as herein otherwise provided.

Estimates to
Board.

Section 328. Before any money shall be raised, or taxes levied and collected, for the purpose of the several funds mentioned in this Charter, or for school purposes in said City, the estimates of the Council, the Board of Education and the Union School District, of the amount of moneys required for such fund or purposes, shall be submitted to said Board of Estimates for approval, and before any bonds or other evidences of indebtedness shall be issued by the City, said issue shall be approved by said Board of Estimates, unless they have been authorized by vote of the people, as provided in this Charter, the constitution or general laws of the State. The estimates for the general city taxes shall be acted upon by the Council,

as provided by this Charter, and shall be submitted to the Board of Estimates on the first Monday in May, at which time the Board of Education and Union School District shall each submit to said Board its estimates for school purposes, to be considered by the Board and reported by it to the Council on or before the third Monday in May. The said Board shall carefully consider all estimates required by this Charter to be submitted to it, of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same. The said Board shall have the power and it shall be its duty, after careful consideration of the various estimates referred to, if it shall deem it advisable so to do, to disallow any item, items, or parts of items, in the different funds as well as the gross amount thereof, as said Board may deem advisable. It shall be unlawful for the Council of said City to create any indebtedness or expend any moneys as to items specifically disallowed and disapproved by said Board of Estimates; and said Board may approve, subject to the conditions of this charter, the constitution and general laws of the State, the sale of bonds of said City, when thereto authorized by law. The majority of all members of said Board shall be required to approve of any such estimates for the raising of taxes, or any parts thereof, or for authorizing the issue of said bonds or other evidences of indebtedness against said City, except when the same are authorized by a vote of the tax-paying electors of said City as provided by this charter, the constitution or general laws of the State.

Powers of Board.

Unlawful expenditures.

Section 329. All votes of said Board approving or disapproving of any estimates, or decreasing the amount thereof, or the authorizing or disapproving the issuing of bonds, shall be taken by ayes and nays, and entered upon the record of its proceedings. After the said Board shall have considered the said matter, required to be submitted to it, it shall cause a statement of the amounts approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which it is raised, to be made, which statement being adopted by a majority of the members elect of the Board, shall be then signed by the president and clerk of the Board, and shall be transmitted to the Council, and only so much of such estimate or amount to be raised by taxation as shall have been approved by said Board, shall be raised and collected in said City, and only such bonds and other evidences of indebtedness against said City shall be issued as shall be authorized by said Board as herein provided, or as shall have been authorized by a vote of the people of the City, or the taxing district affected thereby, in accordance with the provisions of this charter, the constitution or general laws of the State. The Council of said City, upon the approval of said estimates, or any part thereof, by said Board, may cause to be levied and collected by general taxes the amount thereof

Yea and nay vote.

Statements of amounts approved.

Tax levy.

so approved, in the manner in this charter provided and may issue any bonds so authorized to be issued by said Board as aforesaid; provided, the amount approved by said Board of Estimates for school purposes, for interest and sinking fund, or for the purpose of paying the street improvement and sewer bonds and the interest thereon as provided in Sections 290 and 304 of this Charter, shall be levied in full.

School
taxes.

Estimates.

Section 330. No money shall be raised in the Eastern or Western Taxing Districts of said City by the Board of Education of the City of Saginaw, East Side, or the Union School District of the City of Saginaw, until the estimates thereof shall have been submitted to the Board of Estimates and the same have been approved and certified to by said Board as in this Article provided. All the provisions of this Article shall apply to the estimates for school purposes and money and funds to be raised therefor in like manner and with the same force and effect as it applies to other funds and estimates therefor, to be raised or borrowed for any purpose by said City or any board thereof.

ARTICLE XXVI.

Bonds and the Issuance Thereof.

Bond limit.

Section 331. Authority is hereby given for the borrowing of money on the credit of the City in a sum not to exceed eight per centum of the assessed value of all real and personal property in the City, and to issue bonds therefor in the manner hereinafter specified: Provided, that the above limitation shall not be held to apply to emergency bonds hereinafter provided for and bonds secured only by mortgage on the property and revenues of a public utility, including a franchise, stating the terms upon which in case of foreclosure the purchaser may operate the same which franchise shall in no case extend for a longer period than 20 years from the date of the sale of such public utility and franchise on foreclosure.

Approval by
electors.

Section 332. No bonds shall be issued, other than special assessment bonds, refunding bonds, emergency bonds, or bonds that the City may be annually authorized to issue unless first approved by three-fifths of the electors voting thereon at a general or special election to be called, held and conducted in the manner in this Charter provided, and upon the question of the issue of such bonds, every woman having the qualifications of male electors, who has property assessed for taxes, in any part of the district or territory to be affected by the result of such election, shall be entitled to vote thereon.

Section 333. In case of fire, flood or other calamity, the Council may borrow for the relief of the inhabitants of the City, and for the preservation of municipal property, a sum not to exceed one-fourth of one per centum of the assessed value of all real and personal property in the City to be due and payable in not more than three years from the date of such loan, and may issue bonds therefor to be denominated emergency bonds.

Section 334. Authority is hereby granted the Council to issue on the faith and credit of the City for the purpose of retiring any bonds outstanding against said City at the time this Charter takes effect, refunding bonds in serial form extending over a period of not to exceed twenty-five years, but in no event shall such serial bonds be refunded and the said serial bonds so issued for the purpose of retiring such bonds shall be in equal annual amounts and shall be paid as they fall due.

Section 335. All bonds hereafter issued (other than emergency bonds, and bonds secured only upon the property and revenues of any public utility including a franchise stating the terms upon which in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure), shall be issued as serial bonds extending over a period of not to exceed twenty-five years, and be in equal annual amounts for the period for which they are to run.

ARTICLE XXVII.

Miscellaneous.

Section 336. The Council, Mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties upon any bond, other than bonds given or required in judicial proceedings, shall require such sureties to make and attach to such bond an affidavit stating the amount, kind and value of his or their property over and above debts and exemptions, owned within this State by such surety or sureties, and surety companies authorized to do business in the State of Michigan, may become surety on any bond.

Section 337. The Mayor or any Councilman shall have power to administer any oath or take any affidavit, in respect to any matter pending before the Council or Commissioner. And the presiding officer shall have power to issue subpoenas for and compel the attendance of witnesses and to compel the production by them of papers, books, letters and written or printed documents of any kind, for the purpose of aiding and assisting the said Council in the investigation of the matter then pending before it.

Perjury. Section 338. Any person who may be required to take an oath or affirmation under or by virtue of any provision of this Charter who shall, under such oath or affirmation, in any statement or affidavit or otherwise, wilfully swear falsely, as to any material fact or matter, shall be guilty of perjury.

Approval of plats. Section 339. No plat of land within the limits of the City of Saginaw, executed as a subdivision thereof or addition to said City, for the purpose of being recorded in the office of Register of Deeds, shall be entitled to record without the approval of the Council, and a certificate that it has been so approved, endorsed thereon by the City Clerk, under the corporate seal of said City. Any such person who shall knowingly record or offer for record any such plat, without a certificate of the Clerk endorsed thereon as above provided, or who shall knowingly sell or offer for sale any lot, by reference to such plat, before the same has been approved by the Council as above provided, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the County Jail of Saginaw County not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

Pending proceedings. Section 340. All proceedings to raise, assess, levy or collect taxes, either general or special, now pending, and generally all municipal business of every description, shall be carried forward and completed under the provisions hereof when practicable and legal to do so, but if not practicable and legal, may be carried forward and completed pursuant to the provisions of the Charter, laws or ordinances under which the same were first authorized or instituted.

Proof of publication. Section 341. Proof of the requisite publication of any ordinance, resolution or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the Clerk of said City, or any other competent proof, shall in all courts and places be presumptive evidence of the legal publication of such ordinance, resolution or other proceeding.

Publication of charter and ordinances. Section 342. The Council of said City shall, and as often as they shall deem expedient, cause all the acts and parts of acts of incorporation of said City that may be in force, including such general laws as they may deem necessary for the use of the officers of the City, together with all ordinances of said City, revised and corrected so as to conform to the provisions of said acts and properly arranged and indexed by the City Attorney, to be published in book form and properly certified to by the Clerk thereof, and when so compiled and published, the same shall be considered the official copy of all said acts and ordinances, and when so compiled and published may be

read in evidence in all the courts of this State, and if such compilation shall purport to have been published by official authority, the same shall be presumed prima facie to be such official copy. Each officer of said City shall be entitled to use a copy by virtue of his office, and the Council may authorize the sale of copies thereof to reimburse the City for the expense of compiling and publishing the same.

Section 343. The Council shall have power, whenever it shall appear that any taxes or assessments have been improperly or illegally made, assessed or collected, by a four-fifths vote of all the members elected, to cause such assessment or tax to be remitted or refunded, but no such action on the part of the Council shall in any way effect or invalidate any other tax or assessment assessed, levied or collected in said City, provided that nothing herein contained shall be construed to prevent such tax to be re-assessed and re-levied, as provided in Section 295 of this Charter. Council may remit invalid taxes.

Section 344. When this Charter takes effect the then fiscal year shall be construed to be from the first day of July, 1913, to the first day of July, 1914, and thereafter such fiscal year shall commence on the first day of July of each year and all annual reports required by this Charter to be made shall include all transactions of said City up to and including the last day of June in each year. Fiscal year. Annual reports.

Section 345. None of the provisions in this Charter contained shall in any way be construed as altering, amending or repealing the corporate existence, property rights or powers of the Board of Education of the City of Saginaw, East Side, nor of the Union School District of the City of Saginaw. Powers of school districts unaltered.

Section 346. On all public work done either directly or by contract for the City, eight hours shall constitute a legal day's work, and the Council shall have the power to fix by ordinance a punishment for a violation thereof, provided that the term public work shall not be construed to apply to any of the Policemen, Firemen or Officers, Clerks, Servants or Employees in the service of the City in carrying out its governmental functions. Eight hours to constitute legal day.

Section 347. No action shall hereafter be brought against the City or any of its boards or officers for any injury alleged as the result of any negligence on the part of the City or any board or officer thereof, unless the person injured shall serve or cause to be served upon the Council, within sixty days after such injury shall have occurred, a notice in writing setting forth substantially the time when and the place where such injury took place, the manner in which it occurred and the extent of such injury, as far as the same has become known, and that the person receiving such injury intends to hold the City liable for such damages as may have been sustained by Notice of injury. Affidavit of claimant.

him. All facts relating to such personal injuries shall be set forth in an affidavit made by claimant. Such affidavit shall also state the names and addresses of all claimant's witnesses, the name of the attending physician, if any, the amount of money, if any, expended for medical attendance, the loss of time and value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury.

eq of claims to
presented
within sixty
days.
All claims for damages against the City growing out of negligence or default of said City, or of any officer or employee thereof, shall be presented in the manner above provided within sixty days after such damage has been sustained or received, and, in default thereof, shall be thereafter forever barred. No action shall be maintained in any case unless the same be brought within one year after such injury shall have been received.

Notice of
defective
street, etc.

Section 348. No civil action shall be maintained against the City for damages or injuries to persons or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructive, unless it appear that written notice of the particular defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the Commissioner of Public Works; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of.

City not
required to
furnish
bond.

Section 349. Whenever the City of Saginaw shall take any proceeding wherein, by the statutes of the State a bond is required to be given, or shall be a party to any suit or proceeding in any court, or an appellant from any judgment or final order of a court wherein by the statutes of the State, or the rules and practice of the court where such suit or proceeding is to be commenced or is pending, or shall be sought to be taken, a bond is required to be given, such statutes or such rules and practice of the court, shall not apply to the said City, but such proceedings may be taken or such proceeding or suit brought in any court, or appeal be taken from such final judgment or order, by said City without such bond being entered into by it.

Saginaw
bonds
exempt
from
taxation.

Section 350. All bonds, securities or evidence of indebtedness hereafter issued by the City of Saginaw or any of its boards or districts, shall be exempted from all municipal or other tax under the laws of this State.

Ordinances
of former
council
continued
in force.

Section 351. The by-laws, ordinances and resolutions of the City of Saginaw, and the rules and regulations of the Council of said City, and of any public board of said City heretofore in force and not inconsistent with this Charter, shall remain in force after the taking effect of this Charter, and are hereby declared to be re-enacted

by virtue of and under the powers conferred by this Charter, until altered, amended or repealed by the Council of the City of Saginaw.

Section 352. Whenever the City Assessor of the City of Saginaw increases the valuation of any assessment of real estate or personal property upon any assessment roll of the City of Saginaw, he shall notify the party or parties to whom such property is assessed on the assessment roll of such increase in the assessment; such notice, in the case of a resident of the City, shall be served personally or by mail addressed to his last known address or by leaving the same at his usual place of abode at least forty-eight hours prior to the last day that the Board of Assessment and Review is in session, and in the case of a non-resident, by one publication in any daily newspaper published in said City, such publication to be made at least forty-eight hours prior to the last day that the Board of Assessment and Review is in session, provided that the failure of the party or parties to receive such notice shall not in any way invalidate any assessment or tax or operate as an irregularity of any assessment or tax made by the assessing officer of the City of Saginaw.

Notice of
increase in
assessment.

Section 353. Nothing in this Charter contained shall be construed to destroy, impair or in any manner take away any vested right, right of action or remedy acquired or given by any of the provisions of the Charter of the City hereby repealed, but the same shall be and remain as valid in every particular, as if said Charter had remained in full force and effect and this Charter had not passed; and all causes of action arising under any such provisions are hereby expressly preserved intact. All proceedings, suits or prosecutions of whatever nature, civil or criminal, commenced under any of the provisions of such Charter, shall be carried on and completed the same as if such Charter was still in force and effect. All proceedings, assessments or suits of whatever nature to be commenced on account of any right or remedy arising under any of the provisions of such Charter, and all prosecutions for any offense committed, or penalty or forfeiture incurred while such Charter was in effect, may be commenced and enforced in the same manner in all respects and with the same effect, including any sentence thereunder, as if this Charter had not been passed, and such Charter was still the Charter of the City, and such Charter shall govern as to such rights, remedies and all punishments thereunder, and any cause or right of action existing in favor of or against any of the former boards of the City of Saginaw may be brought by or against the Council of said City, and any suit or proceeding now pending in favor of or against any of said boards may be continued by or against the Council of the City, and the said Council may be substituted in such suit or proceeding in the place and stead of any such board or boards.

Vested
rights not
impaired.

Powers of
Union
School
District
retained.

Estimates
of Union
School
District.

Taxes.

Section 354. The Union School District of the City of Saginaw shall continue as now organized and shall retain in all respects its powers, property, system of officers and mode of elections and shall bear and pay its indebtedness and expenses in the same manner as prior to the passage of this act; provided, that the statements of the sums voted by the board of trustees of said district or by the electors of said district at any district meeting or meetings, shall be transmitted by the secretary of said Board to the Board of Estimates of said City on or before the first Monday of May in each year, and it shall be the duty of the Assessor to apportion and assess so much of the sum or sums so voted to be raised as may be approved by the Board of Estimates and certified to him from the Council upon the taxable property in the Western Taxing District of said City, according to the valuation of the taxable property therein in the first general tax roll thereafter made. The assessment of such tax shall be in a separate column in said tax roll and the same shall be collected at the same time and shall be and remain a lien on the property on which the same is levied; and the Treasurer of said City shall have the same authority and may resort to the same mode of proceedings by virtue of said roll and the warrant annexed thereto, to collect the same as the other taxes therein contained.

Estimates of
Board of
Education.

Taxes.

Section 355. The amounts authorized to be raised by tax for school purposes by the Board of Education of the City of Saginaw, East Side, as at present constituted, shall be transmitted by the secretary of said Board to the Board of Estimates of said City on or before the first Monday of May of each year, and it shall be the duty of the Assessor to apportion so much of the sum or sums so authorized to be raised as may be approved by the Board of Estimates and certified to him from the Council, and he shall assess the same in the manner required by this Charter upon the twelve wards constituting the Eastern Taxing District thereof and the same proceedings shall be taken for the assessment and collection of all the taxes spread for such school purposes, as herein provided for the assessment and collection of the general city tax proper, and when collected the same shall be paid into a separate fund, to be denominated the "School Fund of the Eastern Taxing District," and the same shall be held by the Treasurer, subject exclusively to the order of said Board of Education.

Indebtedness
of city
unimpaired.

Section 356. All of the present existing indebtedness of the City of Saginaw, shall remain unimpaired by the adoption of this Charter, and until the same is paid, settled, satisfied and discharged in accordance with the terms of the contract creating the same, or until otherwise discharged in accordance with law, and no provision or provisions of this Charter shall in anywise be construed so as in any way

to impair the obligation of any contract or contracts now existing between the City of Saginaw and any person or persons, firm or firms, corporation or corporations.

Section 357. It shall be the duty of the City Clerk to prepare and make all returns required by law, relative to the registration of births and deaths occurring in said City. City Clerk to register births and deaths.

Section 358. It shall be the duty of the Council at such time as there may be established and required by law a uniform system of accounts for cities to comply with the requirements of said law and to establish for the said City a system of accounts which shall conform to any uniform system required by the laws of this State. Uniform system of accounts.

Section 359. Whenever any special assessment shall be ordered and directed by the Council, the same may be spread over a term of not to exceed ten years. Term of special assessments.

ARTICLE XXVIII.

Termination of the Term of Office of Present Officers of the City of Saginaw, and Repealing Clause.

Section 360. On the first day of January, A. D. 1914, the term of office of the Mayor of the City of Saginaw, of the Aldermen, consisting of one from each of the twenty wards of the said City, and of the Supervisors, consisting of one from each of the said twenty wards of the said City, holding office under the Charter of the City of Saginaw, repealed and superseded by this Charter, shall at once terminate and be wholly at an end. Termination of office of former officials.

The following named officers now holding office and employment under and by virtue of the Charter of the City of Saginaw, repealed and superseded by this Charter, viz.: City Treasurer, Deputy City Treasurer, City Controller, Deputy City Controller, City Clerk, Deputy City Clerk, City Assessor, Deputy City Assessor, City Attorney, City Engineer, Chief of Police, Fire Chief, City Physician and City Health Officer, shall continue to hold their respective offices and discharge the duties thereof under the terms of this Charter until the first day of January, A. D. 1914, at which time the term of their respective offices and employment shall cease and be wholly at an end. The term of office and employment of the several members of the various boards of the City existing before this Charter shall take effect, shall on the first day of January, A. D. 1914, terminate, cease and be wholly at an end. And all of the boards existing under and by virtue of the terms of the Charter, repealed and superseded by this Charter, which are not by the terms of this Charter perpetuated and continued, shall on the said first day of January, A. D. 1914, terminate and be wholly at an end. Pro-

vided, this shall not be construed to include the Board of Education of the City of Saginaw, East Side, nor any board or officer of the Union School District of the City of Saginaw.

Except as may be in this Charter otherwise specifically provided for, all persons in the employment or service of the City on the 31st day of December, A. D. 1913, shall continue in their various employments and duties until either reappointed or their said service and employment be terminated by action of the Council of the City of Saginaw, acting under and by virtue of the terms of this Charter.

Delivery of
records to
successors.

Section 361. It shall be and hereby is made the duty of each, every and all of the persons holding office and employment under the Charter of the City of Saginaw, repealed and superseded by this Charter, to at once, upon the termination of their said offices and employments as provided for in this Charter, turn over and deliver to their successor or successors, and if there be no successor or successors to his or her particular office or employment, then to turn over and deliver to the Councilmen of the City of Saginaw provided for by this Charter, all moneys, books, papers, records and property of every name and description whatsoever, appertaining to their said office or employment or belonging to the City of Saginaw.

Charter
elections.

Section 362. It shall be and hereby is made the duty of the officers of the City of Saginaw holding office under the Charter of said City intended to be superseded and repealed by this Charter, to provide for and conduct the non-Partisan Primary election provided by this Charter, to be held on the first day of December, A. D. 1913, and also the general non-partisan election, as provided for by this Charter, to be held on the twenty-second day of December, A. D. 1913, and to canvass and make returns of the votes and declare the result of such primary and election in accordance as near as may be with the terms of this Charter; provided, however, that as to the said primary to be held on said first day of December, A. D. 1913, the nominating petitions provided for by Section 239 of this Charter, in place of being filed in the office of the City Clerk before 5 o'clock in the afternoon of the fourteenth day before said primary election day, as provided by said section, may be filed before 5 o'clock in the afternoon of the tenth day preceding such primary election to be held on said first day of December, A. D. 1913, and for the purpose of providing for and conducting said primary and election and making a canvass and return of votes and declaring result thereof the word Council, as used in this Charter, shall be construed to mean and include the Common Council and all of the other provisions and terms of this Charter shall take effect on the first day of January, A. D. 1914, and the former

Former
charter
repealed.

Charter of the City of Saginaw and each and all of its terms and provisions shall, on said first day of January, A. D. 1914, cease and thereupon be repealed.

Approved August 12, 1913.

Adopted by electors November 15, 1913.

Justice Court Act

An act to consolidate all courts of inferior jurisdiction in the City of Saginaw into a Justice Court, to define the powers and duties thereof and fix the compensation of the justice, constables, clerks and other officers therefor, and to provide for their election or appointment and to repeal titles twelve, thirteen, fourteen, fifteen of act number five hundred sixty-six of the Local Acts of nineteen hundred five, providing for a justice of the peace, recorder and recorder acting as police judge and all acts conflicting herewith upon approval by the electors of the City of Saginaw.

The People of the State of Michigan enact:

One Justice
of the
Peace.

Nomination
and
election.

Term.

Vacancy.

Office of
Recorder
abolished.

Section 1. There shall be elected in the City of Saginaw at the time and in the manner hereinafter provided, one justice of the peace, who shall hold office until January first, nineteen hundred twenty-four, and until his successor is elected and has qualified. At the regular municipal elections held in nineteen hundred twenty-three for the purpose of nominating and electing candidates for city offices, candidates for the office of justice of the peace shall be nominated and elected as near as may be in accordance with the provisions of the charter of the City of Saginaw regulating the nomination and election of mayor. The term of office of the justice of the peace, so elected, shall begin January first, nineteen hundred twenty-four, and he shall hold office for six years, or until his successor is elected and has qualified. His successors shall be nominated and elected every sixth year thereafter in the manner hereinbefore prescribed, and shall hold office for six years.

Section 2. If a vacancy occur in the office of the said justice of the peace such vacancy shall be filled for the unexpired term at the next regular, or at a special municipal election. Vacancy shall exist when such justice fails to qualify for seven days after his election, dies, resigns, is removed from office, removes from the city, is convicted of a felony, or judicially declared to be mentally incompetent. In case of a vacancy in said office the council or legislative body of said city shall appoint a suitable person to fill same, but only until the next election, regular or special, held in said city.

Section 3. The office of recorder acting as police judge and the office of justice of the peace now existing in said city are hereby abolished, and said justice of the peace who is elected and who

qualifies hereunder shall be and is empowered to receive and take from such officers all files, records and dockets kept by them appertaining to their said offices, and said justice shall be and is empowered to issue executions according to law upon any judgment appearing upon said dockets with the same effect as if said judgment had been rendered by him and any action or proceedings pending before either said recorder acting as police judge, or justice of the peace at the time said justice elected hereunder shall take office, shall be transferred to said justice and he shall have full jurisdiction to proceed with the same in the same manner as if said action or proceeding had been brought before him originally.

Section 4. Said justice shall devote his entire time to the duties of his office. In the event of his temporary absence or inability to perform the duties of his office another justice of the peace of the county of Saginaw shall, when designated by the council or legislative body of the City of Saginaw, have power to perform the duties of said office. Such acting justice shall be entitled to receive pro rata for the time he shall so serve the salary which would otherwise have been payable to the justice elected under this act: Provided, however, Nothing herein contained shall be construed as denying said justice leave of absence not exceeding two weeks in any one year without pay. Temporary absence.

Section 5. Said justice shall have and exercise the same jurisdiction and powers in civil and criminal cases and proceedings and shall perform the same duties as may be conferred upon or required of justices of the peace by the general laws of this State: Provided, That he shall have concurrent jurisdiction in civil actions ex contractu express or implied wherein the debts or damages do not exceed the sum of five hundred dollars. He shall also have original jurisdiction to issue process for, hear, try and determine all cases against persons charged with the violation of the provisions of the charter or ordinances of said city. Jurisdiction and powers.

Section 6. Except as in this act otherwise provided the general laws of the State with reference to justices courts and justices of the peace shall be applicable to the said justice and the court held by him. General laws applicable.

Section 7. The said justice as against all other justices of the peace of the county of Saginaw shall have exclusive jurisdiction of all actions and proceedings within his jurisdiction where the defendants, or either of them, shall, at the time of the commencement of such action or proceeding be residents of said city. He shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city but has been by him as- Justice to have exclusive jurisdiction.

signed: Provided, however, Such assignee resides in Saginaw County. He shall also have jurisdiction in all cases where either or any of the parties reside in said city.

Office hours. Section 8. Said justice of the peace shall have his office in the city hall and shall have his court room open and shall be in attendance on the duties of his office therein from nine o'clock in the morning until twelve noon, and from one-thirty o'clock until five o'clock in the afternoon, except on Sundays and legal holidays. Sessions of said court may be held daily at the central police station or at the west side police station. The council of the City of Saginaw shall provide the necessary rooms, offices and supplies for the use of said justice and court officers.

Salary. Section 9. Said justice shall receive from the City of Saginaw an annual salary of twenty-four hundred dollars, payable in the same manner as the salary of the mayor. Except marriage fees and said salary, all fees or moneys to which said justice would otherwise be entitled by virtue of his office shall belong to the City of Saginaw.

Council to appoint clerk. Section 10. The council or legislative body of the City of Saginaw shall have power and it shall be their duty to appoint a clerk of the justice court who shall hold office during the pleasure of the council. Said clerk shall be a resident and elector of the City of Saginaw, and before entering upon the duties of his office shall take, subscribe and file in duplicate with the clerk of said city and with the clerk of the County of Saginaw the constitutional oath of office.

Salary. Section 11. Said clerk shall receive from the City of Saginaw an annual salary of twelve hundred dollars, payable in the same manner as the salary of the mayor.

Bond. Section 12. Said clerk shall before entering upon the duties of his office give a bond to the City of Saginaw and a bond to the treasurer of the County of Saginaw each in the sum of one thousand dollars with sufficient sureties to be approved by the council of said city and by the treasurer of said county respectively, conditioned for the faithful discharge of the duties of his office. The bond to the city shall be filed with the city clerk and the bond to the treasurer of said county shall be filed with said treasurer. The premium on said bond, if any, shall be paid by the City of Saginaw.

Duties of Clerk. Section 13. Said clerk shall keep all records of said justice court and be custodian of all records and files thereof. He shall receive and account for all moneys, costs, fines of every description payable into said court. He may sign all writs in civil cases issuing from said court. He shall not be concerned as counsel in any cause pending therein.

Section 14. Said clerk shall enter in a book provided for that purpose a list of names of all jurors who have served in the trial of cases in said court with names arranged in alphabetical order, together with the date or dates that each juror served with a reference to the page of the docket where the proceedings of the trial are entered.

Section 15. Said clerk shall have power to administer oaths and take affidavits in all proceedings pending in said court. If, upon the adjourned or return day of any cause, the justice shall be absent said clerk may adjourn said cause to some other day not exceeding two weeks, and the record thereof shall be entered in the docket of the justice. Clerk may administer oaths.

Section 16. Said clerk shall not later than the eighteenth and third days of each month pay to the treasurer of Saginaw County all moneys received during the semi-monthly period ending on the fifteenth and last days of the month next preceding, from fines and costs in State criminal cases, except costs belonging to the City of Saginaw, and he shall at the same time pay, to the treasurer of the City of Saginaw all moneys received from any source which belong to the City of Saginaw, and which were collected during said semi-monthly period, and shall take the receipt of said treasurer therefor. He shall at the same time report in writing to the city controller on forms to be furnished by the controller, the title and nature of all civil cases pending in said court, the names of all defendants and the offense charged against each in all criminal cases pending in said court, the amount of fines and the amount of all other moneys collected by him in each case, and shall make oath that said report is a true and correct statement of the facts therein set forth, and that in accordance with the provisions of this act he has paid over all moneys received by him. Clerk to report to County Treasurer.
Clerk to report to Controller.

Section 17. The office of constable in each ward of said City of Saginaw is hereby abolished. The council or legislative body of the City of Saginaw shall have power and it shall be their duty on the recommendation of the justice to appoint four constables, who shall hold office during the pleasure of the council. Such constables shall have like powers and authority in all civil and criminal matters in relation to their duties as is conferred by law upon constables in townships. Each constable before entering upon the duties of his office shall give such security for the performance of his duties as is required of constables in townships by the general laws of the State. He shall be entitled to demand and receive for his services such fees as shall be provided by the general laws of the State, except as herein otherwise provided. Constables.

Section 18. Prosecutions for violations of any ordinance or any provision of the charter of the City of Saginaw shall be commenced before said justice by complaint in writing and on oath setting forth Violations of ordinances and charter.

Warrant. briefly the ordinance or provision of said charter which has been violated and in what manner and by whom, and a warrant shall issue directed to the chief of police, or any policeman of said city, reciting the substance of such complaint and commanding such officer in the name of the People of the State of Michigan to arrest the person named in said complaint and bring him before said court at the first session thereof to be dealt with according to law; and upon such person being so brought before such court, such proceedings shall be had as are provided by the general laws of the State for the trial of criminal cases before justices of the peace, except as in this act otherwise provided.

Process service by police men. Section 19. The chief of police, or any member of the police force of said city, shall have power to serve and execute all process issued out of said court in criminal cases, and in all cases of the violation of the provisions of the charter and ordinances of said city, each member of the police force of said city may make arrests without process for offenses committed within his presence; and the person so arrested shall be taken before said court at the first session thereof and complaint then made against the person so arrested, and such further proceedings shall thereupon be had as provided in section eighteen.

Process, manner of service. Section 20. The service of all writs, process and warrants under this act shall be made in the manner prescribed by the general laws of this State: Provided, That for the service of original writs within said city, no officer shall demand or receive more than fifty cents as fees for each service: And provided further, That no member of the police force of said city shall receive for his own use, any fees for services performed under this act, but such fees shall be property of and payable to the City of Saginaw.

Fees of police.

Jury trial in ordinance cases. Section 21. Any person arrested for violating any ordinance of said city may demand a trial by jury, which shall be summoned in the same manner as is provided by the general laws of the State for the trial of criminal cases before justices of the peace; but no jury shall be demanded, except upon payment, by the defendant, of the fees provided by law for payment of the jury and for the summoning of the jury. In case of a trial by jury in criminal cases some member of the police force of said city shall prepare the list, receive the venire, and summon said jury.

Fees in Civil Cases. Section 22. Before any action or proceeding, except proceedings in garnishment, replevin, attachment or by civil warrant, shall be commenced in said court there shall be paid to said clerk by the party bringing the same, the sum of fifty cents as entry fee, and in actions of replevin, attachment, or those begun by civil warrant, there shall be paid, as aforesaid, the sum of one dollar as entry fee, and at or before the trial of any such action or proceeding shall be

commenced, the further sum of one and one-half dollars, but in the case of a non-suit or discontinuance before the commencement of the trial, only the entry fee shall be payable: Provided, That if there be more than two adjournments after the return day of the principal suit or after joining issue in a garnishee case, there shall be an adjournment fee paid by the party procuring said adjournment of twenty-five cents for each adjournment, before such party shall be entitled to such adjournment. Proceedings in garnishment shall be treated as a part of the principal cause, and no additional fee shall be required therein, except when an issue of fact shall be joined in respect to the liability of the garnishee or garnishees; in such cases adjournment fee of one dollar and one-half shall be paid before such trial shall commence. If any party demand a jury in any civil action in said court, he shall advance the same fees therefor that are or may be provided by the general laws of the State governing justice courts. The money so paid to said clerk, as herein provided, shall be for the use of said city, and shall be held to be in full of all fees in civil actions, including the issuing of executions and satisfaction of judgment; the sum or sums so paid, including the jury fee, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or removing causes to the appellate court, there shall be paid to the said clerk the fees provided by the general laws of the State governing justice courts and returns in appeal cases and to writs of certiorari shall be made in the manner therein provided. Jury fees.

Section 23. The fees and costs in each criminal case in said court, whether under the laws of this State or under the charter or ordinances of said city, shall be the same as are provided by the general laws of the State for criminal cases before justices of the peace, and shall be taxed, and an itemized bill kept in each file thereof. The fees of witnesses, jurors, sheriffs and constables, in criminal cases in said court, shall when collected, be paid to them by said clerk, to their own use. In all cases of offenses against the criminal laws of this State or against the charter or ordinances of said city, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said justice or jury, judgment for costs accruing in the case may be rendered against said defendant, in addition to the fine, penalty or forfeiture imposed. Fees in criminal cases.

Section 24. All persons charged with or convicted of offenses against the general laws of the State, or for violation of the charter or ordinances of said city, may, by the direction or sentence of the court be confined either in one of the city jails or police stations or in the county jail of Saginaw County and if, in the first instance, taken to or confined in one of the said city jails, or police stations, may be removed to the said county jail by direction of said court. Sentence for violation of ordinances.

Any law of this State, prohibiting escapes, aiding prisoners to escape, or any act detrimental to the safety of prisoners in a county jail, shall apply to said jails or police stations.

Criminal
examina-
tions.

Section 25. In cases of examination of offenders by the justice for offenses committed against the criminal laws of this State, which are not triable before said justice, but before the circuit court, it shall be lawful for such justice to cause an order to be entered in the record of such examination appointing, at the request of the prosecuting attorney or his assistant, if in the judgment of said justice it is for the best interest of the public so to do, some competent stenographer to take in shorthand the testimony given upon such examinations, which shall be transcribed upon the request of the prosecuting attorney, filed in the cause, and the stenographer so employed shall receive such per diem compensation for the time expended by him in taking such testimony, and such price per folio for transcribing same when requested by the prosecuting attorney, as aforesaid, as shall be fixed by the board of auditors of Saginaw County, the same to be allowed and paid out of the treasury of said county.

Prosecuting
Attorney.

Section 26. It shall be the duty of the prosecuting attorney of the County of Saginaw, or his assistant to attend all sessions of said justice court, when requested by the justice so to do, to prosecute State criminal cases therein, except when actually engaged, as such officer, in the trial of a case in another court, and it shall be the duty of the city attorney or an assistant to attend sessions of said court, when requested by the justice to prosecute violations of the charter or ordinances thereof.

City
Attorney.

Appeals in
criminal
cases.

Section 27. The defendants in criminal cases shall have the right of appeal, provided such appeal shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence, and certiorari from final judgment of said court, as provided by law for appeals and certiorari from final judgments of justices of the peace in criminal cases, such appeals being taken and perfected as hereinbefore in this section provided. Appeals and writs of certiorari, both in city and State cases, shall be taken, perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.

Justice may
grant new
trials.

Section 28. Said justice shall have the same power and authority to set aside the verdict or judgment and grant new trial therein upon legal cause shown therefor, as the circuit courts of the State possess: Provided, That a motion in writing be made and filed with the clerk of said justices' courts within five days after the rendition of the verdict or judgment in said case. Said motion shall briefly and plainly set forth the reasons and grounds upon which it

is made. Affidavits upon which the motion is founded shall also be filed at the time of filing of said motion and notice of the hearing of such motion with copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two days before the hearing thereof. Such motion shall be determined within two days after the same shall have been heard and submitted, and such motion shall be submitted and heard within one week after the same shall have been filed. The time for taking an appeal from judgment, in case such motion be not granted, shall begin to run from the time when such motion shall be overruled. In no case shall the pendency of such motion stay the issuing and levy of an execution in such case; but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion.

Section 29. The circuit court of the County of Saginaw shall have exclusive appellate jurisdiction of all causes, civil or criminal, brought before the justice of the peace of said city, and also of all prosecutions brought for violation of the charter, or any ordinance of said city, and of all actions for the recovery of any fine, penalty or forfeiture for the violation thereof. Appeals may be taken from, and writs of certiorari may issue to said justice of the peace, in the same cases, upon the same conditions, and with like effect as is now, or may at any time hereafter be provided by the general laws of the State in respect to actions, prosecutions and proceedings before justices of the peace in the several townships of the State: Provided, That on the trial of all appeals from any convictions for violations of the provisions of the charter or ordinances of said city, the city attorney shall be entitled to appear and to prosecute the same, and may exercise the same powers and perform the same duties in the prosecution thereof as are exercised and performed by the prosecuting attorney of Saginaw County, on the trial in said court of offenses against the general laws of the State. No warrant for the violation of any ordinance of the City of Saginaw shall issue by said justice, except upon the written order of the city attorney.

Section 30. Upon filing in said justice court of a petition by the city clerk praying that all property and moneys which have remained in the hands of the clerk of the police station unclaimed for a period of six months or more may be condemned and sold, said justice shall enter an order briefly describing the property stating that a petition for condemnation and sale thereof has been made by the city clerk and requiring all persons interested therein as owners or otherwise, to appear and show cause, if any there be, at a session of said court to be therein designated why such property should not be condemned and sold and the proceeds thereof paid into the contingent fund of the city. Such order shall be published not less than two times in the official paper of said city at least ten days

prior to the date of hearing and at the time and place designated by the order of said court, and upon due proof of publication the court shall proceed, unless cause to the contrary be shown, to condemn and order sale of said property and payment of the proceeds thereof into said contingent fund, and shall in the said order direct the time and manner of sale. Said sale may be conducted by any police officer of the City of Saginaw and condemnation and sale shall bar all right of recovery by any person whomsoever.

Recorder.

Section 31. The office of recorder is hereby abolished.

Submission
of act to
electors.

Section 32. The council of the City of Saginaw shall submit this act to the electors of the City of Saginaw for approval at the first general or special election, whether called for that purpose or not, held in the City of Saginaw after this act shall take effect. Said question shall be submitted, notice of election given, the ballots prepared, the election conducted, and the votes canvassed in all respects as near as may be in accordance with the provisions of the charter of the said city regulating the conduct of elections and the submission of questions to electors.

Election of
Justice.

Section 33. If this act shall be approved by a majority of the electors of the City of Saginaw voting thereon as provided in the preceding section, there shall be an election of the justice of the peace herein provided for at the first general or special election, whether called for that purpose or not, held thereafter in the City of Saginaw. Nomination of candidates for said office shall be made in accordance with the provisions of the general law regulating the nomination of justices of the peace. The election of said justice shall be conducted as near as may be in the manner provided by the charter of the City of Saginaw for the election of mayor. Said justice shall take office on the tenth day following his election, and this act shall thereupon come into force and effect in its entirety.

Repeal.

Section 34. All acts or parts of acts conflicting with the provisions of this act, and especially titles twelve, thirteen, fourteen and fifteen of act number five hundred sixty-six of the Local Acts of nineteen hundred five, entitled "An act to revise and amend the charter of the City of Saginaw," and all acts amendatory thereof are hereby repealed, subject to the approval of this act by the electors of the City of Saginaw, and on the election and qualification of a justice of the peace hereunder.

This act is ordered to take immediate effect.

Approved March 16, 1917.

Adopted by the electors April 2, 1917.

Justice of Peace elected December 11, 1917.

Board of Education

An Act to Revise and Amend an Act, Entitled an Act to Revise an Act, Entitled "An Act to Incorporate the Board of Education of the City of East Saginaw" and the Several Acts Amendatory Thereto.

Section 1. The eastern taxing district of the City of Saginaw shall constitute one school district from and after this act takes effect. The School Inspectors of said school district after the fourth day of July, A. D. nineteen hundred three, shall hold their office as members at large, and discharge all the duties thereof and of the said board until the third Monday of July, A. D. nineteen hundred three. At the biennial spring election in April, nineteen hundred three, the second, fourth, sixth, eighth, tenth and twelfth wards, and at each second biennial city election held in April in said city thereafter, there shall be elected in each of the even numbered wards of said district one School Inspector for the term of four years. At the biennial spring election in April, nineteen hundred three, the first, third, fifth, seventh, ninth and eleventh wards of said district shall each elect one School Inspector for the period of two years, and at the biennial spring election in April, nineteen hundred five, and at each second biennial city election held in April in said city thereafter there shall be elected in the first, third, fifth, seventh, ninth and eleventh wards of said district one School Inspector for the term of four years. The term of office of the members of said Board of Education after the third Monday of July, nineteen hundred three, shall commence on the third Monday of July, after the biennial city election in April, at which he was elected: Provided, That the members elect of said board shall file an acceptance and oath of office with the City Clerk, as required of other city officers. In case of vacancy in said office of School Inspector, the said Board of Education shall elect by ballot, some suitable person to fill said vacancy until the time for the next general city election, and until his successor shall qualify. At the following biennial city election some suitable elector shall be elected to fill such vacancy for the unexpired term, who shall enter upon the duties of his office upon qualifying.

School inspectors to be members at large.

Election of school inspectors and their terms of office.

Section 2. The School Inspectors elected in said eastern taxing district of said city shall be a body corporate by the name of "The Board of Education of the City of Saginaw, East Side," and by that

May sue and be sued. name may sue and be sued, and be capable of holding, renting, selling and conveying real and personal property for the use of and as the interests of the common and public schools of said eastern taxing district may require, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable. They shall succeed to and be entitled to demand and have all money, real or personal property, uncollected taxes and other rights belonging or to become due to "the Board of Education of the City of East Saginaw," and the school district embraced in the former City of East Saginaw. Said board shall also pay all the debts and demands that may be existing against "The Board of Education of the City of East Saginaw," and the school district embraced within the former City of East Saginaw.

May hold, rent, sell, and convey real and personal property.

Shall receive and disburse all moneys belonging to board.

Compensation.

Section 3. Each School Inspector of the Board of Education, from and after the third Monday in July, nineteen hundred three, shall receive as compensation for his services the sum of three dollars for each and every meeting of the board at which he is in actual attendance.

Quorum.

Section 4. A majority of all the members shall constitute a quorum, and the said board shall meet from time to time at such place in said school district as they may designate. They may elect one of their own number President, and in his absence, may elect a President pro tem. No claim shall be paid by said board, nor any contract made requiring the expenditure of money, without the concurrence of a majority of said board. All warrants or orders for the payment of any money by said board, shall be signed by its Secretary and countersigned by the President thereof.

Expenditure of money.

Secretary.

Section 5. The board shall elect a Secretary, who shall perform such duties and receive such compensation as said board shall direct.

Records.

Said board shall cause full and complete records to be kept of its proceedings, accounts, expenditures and receipts, and such records shall be public and open to the inspection of any taxpayer of said district.

General powers of board.

Section 6. The Board of Education shall have full power and authority, and it shall be their duty to purchase sites and build school houses in said district; to apply for and receive from the Treasurer of the city of Saginaw, or other officer having custody or possession of the same, all moneys raised by tax or otherwise appropriated and set apart for the use and support of primary or public schools, and for the district library in said district. They shall expend such funds and moneys received for the purposes and in the manner specified by law, and in no other manner; they shall establish and regulate a district library, and designate a place or places where the library may be kept therein; the said board shall also have full power and author-

May make ordinances.

ity to make by-laws and ordinances relative to taking the census of all the children in said district, between the ages of five and twenty years; relative to making all the necessary reports and transmitting the same to the proper officers as designated by law, so that said district may be entitled to its proportion of the primary school fund; relative to the levying and collection of rate bills; relative to the visitation of schools; relative to the length of time school shall be kept, which shall not be less than nine months in each year; relative to the employment, examination and licensing of teachers, subject to the general statutes of this State in reference thereto, their powers and duties; relative to the regulation of schools and books to be used therein; relative to the appointment of necessary officers, and prescribe their powers and duties; and relative to anything whatever that may advance the interests of education, the good government and prosperity of the common and public schools in said district, and the welfare of the public concerning the same; which by-laws and ordinances shall have the force and effect of law, and shall be enforced by the courts in the same manner and with the same effect as the ordinances of the City of Saginaw: Provided, No such by-law or ordinance shall be in effect until the same shall have been published at least once in some newspaper printed and circulating in said city, or by posting a copy of the same on the front door of each of the public school houses of said district; proof of said by-laws and ordinances in court may be made by furnishing a certified copy from the records of the board or by proper affidavit of publication and posting or by publication in book or pamphlet printed form, as provided for city ordinances in section VI. of title IV. of the Act to incorporate the City of Saginaw, being Act four hundred and fifty-five local Acts, eighteen hundred eighty-nine.

To take census.

Nine months a school year.

Ordinances, when to take effect.

Proof, how made.

Section 7. The fiscal year of said Board of Education shall close on the last day of June in each year, and said board shall cause to be made out, within two weeks after the close of such fiscal year, all reports required by law to be made for the use of the State, and they shall cause to be published in some newspaper published and circulating in said school district, a statement of the number of schools in said district, the number of scholars instructed therein in the year preceding, the number of teachers and other persons employed by said board, the several branches of education taught in said schools, and a complete statement of all receipts and expenditures by said board during the preceding year.

Fiscal year.

Report to be made and published.

Section 8. Said board shall have power and authority to establish and maintain a high school with a manual training department in connection therewith in said district, and to appoint a superintendent of the public schools of said district, and such assistants and teachers as may be necessary with such salary and such powers and duties as

Power to establish and maintain manual training department. Appointment of superintendent, assistants and teachers.

Salary. shall be prescribed by said board. And said board shall have power and authority to accept and use gifts of any nature which in the judgment of the board are calculated to further the interests of education in said eastern taxing district. Teachers and all other employees employed by said board shall receive their salary bi-weekly.

Power and authority to accept gifts.

When salary is to be paid.

Board to determine what monies be necessary annually. Section 9. Said board shall, in the month of April in each year, determine, by resolution passed by a vote of the majority of all the members of said board, at any regular meeting, the sum or sums necessary and proper for any or all of the following purposes:

School houses and sites. First. To lease, alter, repair and improve school houses and their outhouses, grounds and appurtenances, and to purchase sites and build school houses;

School supplies. Second. To purchase, exchange, repair and improve school apparatus, books, furniture, appendages, fixtures, text books and all other school supplies used in the public schools, and said text books and supplies shall be loaned to the pupils of said public schools free of charge, subject to such rules and regulations as to care and custody as the said board may prescribe.

Text books, etc., free of charge to pupils.

Fuel and light. Third. To procure fuel and lights and defray all the necessary contingent expenses of the said board;

Library limit. Fourth. To defray the expenses of and purchase books for the district library of said city, not to exceed in the aggregate the sum of two thousand dollars in any one year;

Salaries and wages. Fifth. To pay the salaries and wages of the Superintendent and teachers, in addition to the public moneys which may be by law appropriated and provided for that purpose; Provided, That the sum so authorized shall not exceed in the aggregate, in any one year, the sum of one per cent. of the assessed valuation of said eastern taxing district as taken from the annual assessment roll of the preceding year.

Limit.

Secretary to certify estimates to assessor. Section 10. Whenever the said board shall have made the estimates by resolution provided in section nine, the Secretary of the board shall certify the same to the Assessor, or other proper officer or officers of said City of Saginaw, whose duty it may be to assess and extend the taxes of said city, and the said City Assessor, or other officer of officers, whose duty it shall be to extend the ordinary city taxes, shall levy the sum or sums so determined and certified to him upon the taxable property of the district at the same time and in the same manner as the taxes for other city purposes are assessed: PROVIDED, All taxes levied in any one year in said district by virtue of this Act, shall be placed in a separate column on said rolls from any other taxes to be headed "School Tax." The taxes so levied shall be and remain a lien upon the property on which the same is

Duty of assessor.

levied, in the same cases, to the same extent and in the like manner, and shall be collected in the same manner as is provided for taxes raised for ordinary city purposes. All said money shall be disbursed and expended by the authority of said board for the purposes for which it was raised and for no other.

For what purpose money to be disbursed.

Section 11. Whenever said board shall deem it necessary to raise any additional amounts of money in any one year for the support of the public schools, the purchase of grounds for sites, or the erection of school houses thereon, or to improve, alter or repair school houses in excess of the amount provided for in section nine of this Act, they shall so certify by resolution to the Common Council of the City of Saginaw, and it shall be the duty of said Common Council to call, in the manner now or hereafter provided in section two, of title five, of the said Act to incorporate the City of Saginaw, meetings of the taxpayers of said district, which meetings so called, may provide such means to sustain and keep open the public schools and for making such purchase of grounds, and for the bulding and construction of suitable school houses thereon, as said meetings may determine, either by issuing the bonds of said city, as provided in section seventeen of title five, of the Act to incorporate said City of Saginaw, or by levying an additional tax upon the property of said district, as provided in section two of title five of said Act, as said meetings shall determine. All bonds issued as provided in this section, shall be designated "School Bonds Eastern Taxing District," and shall be issued and numbered as provided for other city bonds, and when issued shall be charged to and paid by the said eastern taxing district only, and the proceeds of said bonds and all moneys assessed under the provisions of this section, shall be at the disposal of said Board of Education, and shall be expended only for the purposes for which raised and no other. Such bonds shall be disposed of as provided for in section seventeen, title five, of the Charter of the City of Saginaw, and all proceeds paid over to the Treasurer of the Board of Education. If any such additional tax shall be raised as herein provided, the amount voted by the electors shall be added to the amounts certified by the Board of Education to the Assessor and assessed in the same column with the other school taxes, but the board shall, when the same shall be collected, cause the same to be separated from the ordinary school fund and taxes, and set aside and used solely for the purpose for which raised and for no other.

Additional amounts, how raised.

Council to call meeting of electors.

Bonds to be at disposal of board.

Amounts so raised to be kept separate.

Section 12. The Treasurer of the City of Saginaw shall be EX-OFFICIO Treasurer of the said Board of Education and receive and hold all moneys belonging to said board, unless otherwise ordered by said Board of Education, which is, in its discretion, authorized and empowered to elect a treasurer, who shall be directly responsible to the said board for the proper discharge of his duties as such

Treasurer of board.

To receive
and pay out
money.

treasurer. The treasurer of the city shall keep all moneys belonging to the school funds, or to said board separate from the moneys belonging to the City of Saginaw, and shall use, pay out or expend the same only in pursuance of law, or as directed by the board.

City treasurer
to give
bonds to
board.

Section 13. The city treasurer of said City of Saginaw, when ex-officio treasurer of said board, shall, before he enters upon the duties of his office, be required to enter into such bonds and with such sureties as said Board of Education may require, conditioned for the faithful discharge of his duties and the paying over of all school moneys received by him by virtue of this act.

Money only
receivable
for tax.

Section 14. The city treasurer of said city, or other person collecting the taxes for ordinary city purposes, is required to collect said tax in money, and shall not be authorized or permitted to receive in payment of said taxes any liabilities or evidence of debts against said city.

Board may
borrow
money, etc.

Section 15. The Board of Education of the city of Saginaw, east side, is hereby authorized from time to time, on such terms of payment as they may deem proper, to borrow a sum of money not exceeding in all, or at any time, the aggregate sum of five thousand dollars, for the purpose of maintaining the public schools of said district, and paying the salaries and wages of the superintendent and teachers therein, but for no other purposes, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and to issue bonds of said Board of Education therefor, in such form and executed in such manner as said board shall direct: Provided, Said board shall issue no bonds for a less sum than fifty dollars. The bonds issued under this section shall be a charge upon all the property of said board and the same shall constitute a security therefor until said bonds are paid: Provided, No legal proceedings shall be instituted to enforce such lien or to sell any property of said Board of Education for the payment of the principal of any such bond, until one year after such principal shall become due and payable, according to the terms thereof. It shall be the duty of said board, whenever they shall borrow any money under the provisions of this section, to appropriate a sufficient sum out of any money in their hands to pay the interest upon the same, and to provide in their next estimate for the whole or so much of the principal as may fall due, or such percentage of the same as the board shall deem necessary, which amount shall constitute a sinking fund for paying such bonds, and shall be used only for that purpose and for no other.

When suit
may be
brought.

Sinking
fund, how
created.

Residences
of inspectors.

Section 16. School inspectors shall be citizens, and after July fourth, A. D. nineteen hundred three, reside in the ward they are elected to represent on said board, and a removal from the ward after the date named shall be deemed to vacate the office of such

inspector. If any person shall be elected as school inspector, and shall file his acceptance and qualify for said office, and thereafter refuse to serve on said board, on any committee to which he may be assigned, or shall refuse or neglect to attend to the duties of a member of said board without sufficient excuse, he shall forfeit to said board, for the use of the library fund, a sum not exceeding fifty dollars, to be recovered in an action of debt before any competent court with costs. Said Board of Education shall have power to make all necessary rules and regulations relative to its proceedings, and punish by fine, not exceeding five dollars, for each offense, any member of the board who may absent himself from meetings thereof, or neglect or refuse to serve on committees thereof, without sufficient cause, to be recovered with costs, by said board, in an action of debt in any competent court. And the said board may impose a fine upon any officer elected by them for neglect of duty, as they may determine, not to exceed the sum of twenty-five dollars for any one offense, to be collected as above provided.

Forfeiture, etc.

Powers to make by-laws, etc.

Fine.

Section 17. Any member of said board who shall knowingly, willfully or corruptly vote to appropriate or use or expend any moneys under the control of said board for any other purpose than that for which the same was raised and appropriated, or who shall convert any such moneys to his own use, or connive at or be a party to any fraud, or be a party or surety to any contract or bargain made or authorized by said board, or who shall in any manner violate the provisions of this act, shall be deemed guilty of a misdemeanor and may be prosecuted therefor, and upon conviction may be punished for each offense by fine not exceeding five hundred dollars, or by imprisonment in the county jail of Saginaw County not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

Corrupt voting by inspectors.

Punishment.

Section 18. All provisions of the general laws of this State relative to common or primary schools, shall apply and be in force in said district of the City of Saginaw, and shall be binding upon the Board of Education hereby incorporated, except such as may be inconsistent with the provisions of this act, and the rules, regulations, by-laws or ordinances of the Board of Education of the City of Saginaw, east side, made under and in conformity to the provisions of this act.

General law to apply to board.

Section 19. Act number four hundred twenty of the local acts of eighteen hundred eighty-one, entitled "An Act to revise an Act, entitled an Act to incorporate the Board of Education of the City of East Saginaw," approved June seventh, eighteen hundred eighty-one, and all acts amendatory thereof are hereby repealed.

Original act repealed.

Approved April 3rd, 1869, as amended by act No. 420, laws of 1881, and Act approved April 2nd, 1885, and as amended by Act of Legislature of 1889 and as amended by Act of the Legislature of 1895, approved April 30, 1895, and as amended by Act No. 382 of Legislature of 1901, approved April 9, 1901, and as amended by Act of Legislature of 1903.

An Act

To authorize the Board of Education of the City of Saginaw, east side, County of Saginaw and State of Michigan, to borrow money and issue bonds in the sum of forty thousand dollars, to be used in the erection and equipping of a manual training high school, with a gymnasium and swimming pool in connection therewith, in the eastern taxing district of the City of Saginaw, and in the purchase of a site therefor.

The People of the State of Michigan enacts:

Section 1. The Board of Education of the City of Saginaw, east side, from and after the passage of this act, is hereby authorized and empowered to borrow on the faith and credit of said city, a sum of money not exceeding forty thousand dollars, for a term not in excess of ten years from date of issue at a rate of interest not exceeding five per cent. per annum, payable semi-annually or annually, at such place or places as the said Board of Education may determine, and to make and execute the bonds of the eastern taxing district of said city therefor, in such form as the Board of Education may, by a majority vote of all the members of said board elect, determine, and to provide for the payment of the same; and said Board of Education is further authorized to issue, negotiate and sell such bonds from time to time, upon the best terms for such eastern taxing district of said city as may be obtained: Provided, however, That no such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds more than five per cent. per annum.

Board em-
powered to
borrow
money.

Proviso.

Section 2. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction and equipment of a manual training high school building with gymnasium and swimming pool in connection therewith, for the use of the eastern taxing district of said city, and for the purchase of a site therefor, to be located in such place in the eastern taxing district of said city as the said Board of Education may determine.

Money to be
used to con-
struct man-
ual training
school.

Site for
same.

Section 3. Said Board of Education shall have the power and it shall be its duty to raise by tax upon the taxable property of the eastern taxing district of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due as hereinafter stated, and said board shall, by resolution, determine from time to time the amount or amounts due and owing on said bonds in the same manner as is

Powers and
duties to
raise
money.

Certify to
assessor to
assess.

To be
known as
school tax.
Collection.

now provided for the raising of money for other school purposes in section nine of the charter of the Board of Education of the City of Saginaw, east side, and whenever the said board shall have made the estimates, by resolution, of the amount due on said bonds the secretary of the board shall certify the same to the assessor or other proper officer or officers of said city of Saginaw, whose duty it may be to assess and extend the taxes of said city, and the said city assessor or other officer or officers whose duty it shall be to extend the ordinary city taxes, shall levy the sum or sums so determined and certified to him as the amount due on said bonds, upon the taxable property of the school district, at the same time and in the same manner as the taxes for other city purposes are assessed, and when collected be placed in a separate column on said rolls from any other taxes, to be headed "School Tax," and shall become and remain a lien upon the property on which the same is levied, in the same cases, to the same extent, and in like manner, and shall be collected in the same manner as is provided for taxes raised for ordinary city purposes. Said moneys shall be distributed and expended by the authority of said board for the purposes for which they were raised, and for no other.

An Act

To amend the Charter of Union School District, Saginaw, West Side.

Section 1. The People of the State of Michigan enact: That the western taxing district of the city of Saginaw shall constitute one school district, which shall be a body corporate, by the name and style of "Union School District of the City of Saginaw," and by that name may sue and be sued, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable, and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, all the general provisions of which relating to common or primary schools, shall apply and be in force in said district, except such as shall be inconsistent with this act, or with the by-laws and ordinances of the Board of Education hereinafter mentioned, made in pursuance of this act.

Section 2. All schools organized in said district under this act, shall be open to all children, actual residents within the limits of said city in the western taxing district, between the ages of five and twenty-one years, inclusive, and to such other persons as the said board shall admit.

Section 3. The officers of said district shall consist of six trustees, to be called the Board of Education; and the term of office of said trustees shall be three years, two of whom shall be elected annually, on the first Monday of June in each year; and within ten days after each annual election, the trustees shall meet and elect from their own number a president, secretary and treasurer, who shall severally hold their offices for one year, and until their successors shall be elected and qualified, and may at any time fill, by a new election, any vacancies that may occur in either of said offices; and their powers and duties shall severally be the same as those of the moderator, assessor and director, in school districts organized under the general laws of this State, except as the same are varied by the provisions of this act, and the ordinances and by-laws of said board. The secretary and treasurer shall receive such compensation as said board shall direct. The trustees shall be elected by ballot, and the two trustees to be elected may both be voted for at the same time, and on the same ticket, the two persons receiving the greatest number of votes respectively, shall be considered and duly declared as elected. In case there is a vacancy to fill at any election, the ballot to fill such vacancy may be taken at the same time as the ballot for the election of the trustees, and the ballot to fill such vacancy shall indicate that

Body corporate.

Powers of board.

School Children.

Board of education Trustees, terms of

Officers.

Powers and duties of.

Compensation of officers.

Election of trustees.

it is to fill a vacancy, and the person receiving the highest number of votes to fill such vacancy shall be considered and duly declared as elected.

Annual meetings.

The Board of Education shall have the power to call such annual meetings for such hour of the day as to them may seem best, and for providing that the polls for the election of trustees, whether regular trustees or to fill a vacancy, may be kept open during such meetings for such length of time, as may seem best, but such polls shall be kept open for at least four hours. The board shall also have power to fix an hour during said day at which the general business of said meeting, other than the election of trustees, shall commence.

Polling places.

Board of inspectors.

The board shall have power to provide for more than one polling place, and in the event of providing for more than one polling place, shall determine the division of the district for such purposes. At all elections there shall be a board of inspectors, consisting of at least one member of the Board of Education and two tax paying citizens, who shall be selected by the Board of Education previous to such election. The two citizens thus chosen shall take the oath prescribed to be taken by inspectors of election in the form prescribed in the first section of the eighteenth article of the revised constitution of this State, which oath shall be administered by the president of the board or by a notary public. The polls shall be kept open for such length of time, not less than four hours, as the board may prescribe from time to time, and the reports from each polling place, if more than one is established, shall be made to the board and shall be canvassed by the board at such time and in such manner as the board shall prescribe.

Time the polls shall be kept open.

Notice of the annual elections.

Section 4. The secretary of the board shall give at least ten days previous notice of the annual and all special elections of said district by posting notices thereof, specifying the hour, place and object of holding the same, in at least three public places in said city; and a copy of such notice shall be recorded in the book in which the records of the proceedings of such elections shall be kept, and such record shall be prima facie evidence that due notice of such election has been given according to its terms.

Vacancies, how filled.

Section 5. Said Board of Education shall have power to fill all vacancies that may occur in the office of trustee until the next annual election of the district, and each trustee within ten days after notice of his election, whether elected by said district or by said board, shall file with the secretary an acceptance of office in writing.

Bond of the treasurer.

Section 6. The treasurer of said district shall, before entering upon the duties of his office, give a bond to said district, in such sum and with such sureties or sureties as the said board shall approve, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the secretary.

Section 7. The treasurer shall receive and hold, subject to the order of said board, all moneys belonging to said district from whatever sources derived, and it shall be the duty of the county treasurer and the treasurer of said city to pay over to him on his application therefor all money that shall come into their hands, respectively, belonging to said district: ^{Treasurer to receive and hold funds.} Provided, however, That said board shall have power to enter into a contract with any bank, banker or bankers doing business in the City of Saginaw, to receive on deposit and pay interest on any money in the treasury of said district, and to receive from any such bank, banker or bankers such security by way of bonds or otherwise for the safe keeping and prompt paying over of such money and the interest thereon by the order of such treasurer as said board may by resolution demand or approve, such contract and the security for the faithful performance thereof being made and approved by said board and filed with the secretary, and such contract and security being entered and recorded at length upon the record of said board of the proceedings at the meeting at which the security was approved. Said board shall have the power by resolution to direct said treasurer to deposit with such bank, banker or bankers, all moneys of said district, in and thereafter coming into his hands during the time fixed in such contract and said treasurer and his bondsmen shall not be liable for any loss the district may sustain from or by reason of any defalcation of such bank, banker or bankers. In any contract for the deposit of the funds of said district made in pursuance thereof, said board shall reserve the right to terminate the same and to withdraw such deposits and remit the same to the custody of said treasurer at its pleasure. ^{Board to contract with bank.} Money so deposited shall be drawn only on the order of said treasurer of said board, and he shall draw the same only when he is authorized to pay the same according to the provisions of law, or when directed by said board to withdraw such deposits in the manner above provided. ^{Money to be drawn on the order of treasurer.}

Section 8. No money of said district shall be paid by said treasurer, except on the order of said board, signed by the secretary and countersigned by the president; and it shall be the duty of such treasurer to pay such orders to the extent of the funds in his hands on presentation thereof. ^{Money, how paid.}

Section 9. A majority of the members of said board shall constitute a quorum, and the said board shall meet from time to time, at such place in said city as they may designate. Said board shall succeed to, and exercise all the powers and perform all the duties of school inspectors for said city, and the office of school inspector of said city, except as vested in and to be executed by said board, is hereby abolished; said board, before hiring any teacher, shall examine into his or her qualifications; and all teachers employed by said board shall be considered and deemed legally qualified; and said board ^{Quorum.} ^{Powers of the board.} ^{Examination of teachers.}

shall deliver to them respectively a certificate, stating the branches they have been found qualified to teach, which shall continue in force as long as said board shall continue to employ such teachers in the schools of said district, unless expressly annulled by said board; and on such certificate being annulled, any contract for the employment of the teacher named therein shall cease and determine, as though the term of such employment had expired.

Money, how raised.

Section 10. Said board shall also have the power, and it shall be its duty annually, to determine by vote, which shall be entered in the records of its proceedings, the amount of money necessary to be raised by tax on the property of said district, to defray the expenses of the schools of said district for the current year, including free text books and school supplies, for all grades, including the High school, and the amount necessary to pay the interest and principal of any liquidated debt due within such year, from such district, and to file with the board of estimates, or other proper official, designated in the charter of said City of Saginaw; on or before the first day of May in each year, a statement in writing of the sum so voted; and it shall be the duty of the common council to apportion said sums to be raised among the the wards of said city, which are included in said district, according to the valuation of the taxable property in the same, and to cause the same to be assessed on such property in the first general tax thereafter made, which said sums so assessed shall be and remain a lien on the property against which they are assessed until fully paid; and the assessment of such tax for said district shall be in a separate column in said roll, and the same shall be collected at the same time, and shall be and remain a lien upon the property on which the the same is levied, and the treasurer of said city shall have the same authority and may resort to the same remedies and modes and proceedings by virtue of said roll and warrant annexed thereto to collect the same as in the case of the other taxes therein contained, and it shall be the duty of the city treasurer to pay over to the treasurer of said district monthly all such moneys as may be collected belonging to said district.

Statement of the amount of money voted.

Tax, where placed in

Collection of taxes.

Special elections.

Taxpayers' power.

Section 11. Said board shall also have power to order special elections of said district whenever any such election shall be deemed necessary; and at any special as well as at any annual election of said district, a majority of the taxpayers, residents therein, and voting at such election, shall be entitled by vote to order any number of school houses to be erected, and sites for the same in said city to be purchased; and to vote for raising by tax on the taxable property of said city or partly by tax and partly by loan, or entirely by loan, on the bonds of said district, all sums necessary to purchase said sites, and to erect such school houses, and said board

shall have authority to issue such bonds or re-issue the same: Provided, however, That all questions involving the raising of money to purchase sites and to erect school houses, or for the re-issue of bonds, shall be voted upon by proper ballot in form fixed by the Board of Education, which questions shall be submitted to the electors of the district at the same time the trustees are elected, or at a special election duly called for that purpose, notice of which special election shall be given as prescribed in section IV. and the board shall have power to provide for more than one polling place, shall determine the division of the district for such purpose. At all special elections there shall be a board of inspectors, consisting of at least one member of the Board of Education and two taxpaying citizens, who shall be elected by the Board of Education previous to such election. The two citizens thus chosen shall take the oath prescribed to be taken by inspectors of election, which oath shall be administered by the president of the board, or by a notary public. The polls shall be kept open for such length of time, not less than four hours, as the board may prescribe from time to time, and reports from each polling place, if more than one is established, shall be made to the board and shall be canvassed by the board at such time and in such manner as the board shall prescribe.

Proviso.
Ballot to be prepared by board.
Board of inspectors.
Time the poll shall be kept open.

Section 12. Said board shall have power, and it shall be its duty, to elect and purchase such number of sites for school houses, as shall be directed by the vote of any district election or elections, and in case of a loan, for any purpose authorized by the last preceding section shall be voted by a district election, it shall be the duty of said board, if possible, to borrow the money so directed to be procured, by loan, and for this purpose a bond may be made in the name of said district, signed by the secretary and countersigned by the president, and delivered to the lender, providing for the payment of the sum borrowed, and such rate of interest as shall be agreed on not exceeding ten per cent per annum, and a statement of any sum directed by said district election to be raised by tax, shall be filed with the board of estimates, or other proper officials, designed in the charter of said City of Saginaw, within the same time, as the statement of moneys voted by said board is required to be filed, and on the filing of the same, proceedings shall be had and taken to collect the same as by section ten of this act, authorized to collect the moneys voted by said board, and said section, as to the collecting and paying over the moneys, directed by said board to be raised by tax, shall apply to the collecting and paying of the moneys voted by said district election to be raised by tax.

School house sites.
Loans.
Rate of interest.
Statement to be filed with board of estimates.

Improve-
ments and
plans of
school
houses.

Section 13. It shall be the duty of said board to improve and ornament the sites for such school houses as it shall deem proper and expedient, and adopt plans of school houses to be erected, and erect the same and furnish them in such manner, as in the judgment of said board will best subserve the purpose of their erection.

District
library.

Section 14. Said board shall establish a district library for the use of the schools, in said district, and for the increase of the same shall appropriate annually the sum of not less than two hundred dollars of the moneys raised by tax for school purposes, and in addition thereto, all fines collected for breach of the State or Municipal laws within said city, shall be applied for the support of such library.

By-laws and
ordinances
made by
board.

Section 15. Said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said district, between the ages of five and twenty years, relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said district may be entitled to its portion of the primary school fund; relative to the levying and collecting of rate bills; relative to the grading, disciplining and visitation of schools; relative to the course of study and books to be used in the schools; relative to the appointment of necessary officers and servants in and about said schools, their powers, duties and compensation, including a superintendent of the schools of said district; and said board shall be authorized to purchase, exchange, repair and improve the school apparatus, books, furniture, text books and all other school supplies used in the public schools, including High school; such text books and supplies to be loaned to the pupils of the said public schools, including the High School, free of charge, subject to such rules and regulations as to the care and custody thereof as the said board shall prescribe.

High school
and kinder-
garten.

Section 16. Said board shall also have power to establish and maintain a High school, and prescribe the course of study for the same, and to grant such certificates of scholarship and in such form as such boards shall deem proper, to pupils completing satisfactorily the said course of study. Said board may also establish and maintain one or more kindergartens.

Officers of.

Section 17. The trustees and officers of said school district number one, shall be and they are hereby constituted the trustees and officers of said Union School District of the City of Saginaw, and the moderator shall be the president and the director the secretary of said board, and said trustees and officers shall continue to hold their offices respectively, for the same time as though this act had not been passed, except as modified by the time of holding the annual elections of said district.

Section 18. The intention of this act being that the fiscal year ^{School year.} shall annually expire on the last day of June each year, and that all terms of office which expire in any year shall terminate with the fiscal year on the election and acceptance of the officers elected at the last annual meeting.

Section 19. The secretary of the Board of Education of the City ^{Statement} of Saginaw is directed and hereby required, at least ten and not more ^{of money to} than fifteen days before the annual school election of said district, ^{be pub-} to make out and publish in some newspaper published in the County ^{lished.} of Saginaw, a statement of all moneys received, and from what sources, and all moneys expended, and for what purpose, for the expiring year.

Section 20. All acts and parts of acts in any manner conflicting with or inconsistent with the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved June 2, 1897. Filed June 5, 1897.

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